

## AGENDA

This meeting will be recorded and the video archive published on our website

### Planning Committee

Wednesday, 8th January, 2020 at 6.30 pm  
Council Chamber - The Guildhall

**Members:**

- Councillor Ian Fleetwood (Chairman)
- Councillor Robert Waller (Vice-Chairman)
- Councillor Owen Bierley
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Jane Ellis
- Councillor Cherie Hill
- Councillor Paul Howitt-Cowan
- Councillor Mrs Cordelia McCartney
- Councillor Mrs Jessie Milne
- Councillor Keith Panter
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Mrs Angela White

1. **Apologies for Absence**

2. **Public Participation Period**

Up to 15 minutes are allowed for public participation.  
Participants are restricted to 3 minutes each.

3. **To Approve the Minutes of the Previous Meeting**

3 - 15

Meeting of the Planning Committee held on 11 December  
2019, previously circulated.

#### 4. **Declarations of Interest**

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

#### 5. **Update on Government/Local Changes in Planning Policy**

**Note** – the status of Neighbourhood Plans in the District may be found via this link

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

#### 6. **Planning Applications for Determination**

- |      |  |           |
|------|--|-----------|
| i)   | 140180 - Rosemary Villa, 30 Wragby Road, Sudbrooke | 16 - 37   |
| ii)  | 140111 - Land off Bowling Green Road, Gainsborough | 38 - 73   |
| iii) | 140132 - Land off Stallingborough Road, Keelby     | 74 - 99   |
| iv)  | 140077 - Land adj 2 Church St Glentworth           | 100 - 119 |
| v)   | 140003 - 23 Greetwell Lane, Nettleham              | 120 - 138 |

#### 7. **Determination of Appeals** 139 - 155

- 138971 – Land East of Laughton Road, Blyton
- 139732 – 25a Willingham Road, Lea
- 139312 – Salisbury, Main Street, Grasby

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Monday, 30 December 2019

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 11 December 2019 commencing at 6.30 pm.

**Present:** Councillor Ian Fleetwood (Chairman)  
Councillor Robert Waller (Vice-Chairman)

Councillor Owen Bierley  
Councillor Matthew Boles  
Councillor David Cotton  
Councillor Michael Devine  
Councillor Jane Ellis  
Councillor Cherie Hill  
Councillor Paul Howitt-Cowan  
Councillor Mrs Jessie Milne  
Councillor Keith Panter  
Councillor Roger Patterson  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Angela White

**In Attendance:** Councillor Giles McNeill

**Also In Attendance:**

Rachel Woollass	Development Management Team Leader
Ian Elliott	Senior Development Management Officer
Martin Evans	Senior Development Management Officer
Martha Rees	Legal Advisor
Ele Snow	Democratic and Civic Officer

16 members of the public

**Apologies:** Councillor Mrs Cordelia McCartney

### 39 PUBLIC PARTICIPATION PERIOD

There was no public participation at this stage of the meeting.

### 40 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 13 November 2019.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 13 November 2019 be confirmed and signed as a correct record.

#### **41 DECLARATIONS OF INTEREST**

Councillor Ian Fleetwood declared that he had received a telephone call from a gentleman in regards to agenda item 6a (application number 140180). He had advised the caller to contact Vice-Chairman Councillor Waller who would be speaking on the application as Ward Member.

Councillor Cherie Hill declared that she was Ward Member for an application detailed in agenda item 7, Determination of Appeals.

Councillor Angela White declared that she would be speaking as Ward Member for agenda item 6d (application number 140042).

Councillor Robert Waller declared that he would be speaking as Ward Member for agenda item 6a (application number 140180) and would retire from the room for the duration of the item.

The Chairman explained for all present that those Committee Members speaking to applications would step down from the Committee and retire from the room for the duration of discussions. He confirmed there were arrangements for Councillors to watch proceedings in a separate room.

#### **42 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY**

The Committee heard from the Development Management Team Leader regarding updates to three Neighbourhood Plans. She explained that the Spridlington Neighbourhood Plan was due to be heard at Council on 20 January 2020 recommending to be made; the examination for the Sudbrooke Neighbourhood Plan had been successful and the referendum was due to be held on 13 February 2020 and the Scotton Neighbourhood Plan (submission version) was out for consultation from 27 November 2019 to 22 January 2020.

She also detailed that the Housing Delivery Test, the Accelerate Planning White Paper and the Environment Bill were all on hold pending the General Election on 12 December 2019.

#### **43 PLANNING APPLICATIONS FOR DETERMINATION**

**RESOLVED** that the applications detailed in agenda item 6 be dealt with as follows:

#### **44 140180 - WRAGBY ROAD, SADBROOKE**

The Chairman introduced the first application of the evening, application number 140180 for demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping. He explained there were speakers registered to speak and asked the Senior Development Management Officer to provide any update to the report.

The Senior Development Management Officer explained that Reepham Parish Council had

made comments and objections that the traffic and general disturbance associated with a HMO of this scale was totally inappropriate for this location. They felt it would seriously damage the amenity value of the adjacent properties that are family homes. The Committee heard that 40 additional letters of support had been received from various addresses in India and 6 Shepherds Way, Sudbrooke; 17 St Lawrence Drive, Bardney; 72 Greetwell Close, Lincoln; 62 Worthington Road, Balderton; 32 Brooklans, Milton Keynes; and Deadmans Lane, Greenham. He summarised these as follows:

- would help boost economic development
- support the proposal
- would provide good accommodation
- “I stayed there it is a good place”
- would provide a suitable place to stay for visitors including those to Lincoln.

He noted that an additional objection had been received from The Blacksmiths Yard, 21 Station Street, Timberland summarised as follows:

- Concerned about the sudden interest in proposal and disputed the validity of the comments because of lack of local connection. Hope the application is refused.

In addition, general observations had been received from 25 Wragby Road, Sudbrooke summarised as follows:

- a replacement dwelling at 23 Wragby Road may be used as guest accommodation.
- harmful impact on residential amenity of occupants of 28 Wragby Road
- querying removal of hedge and garage before permission is granted.
- concerns about burning waste on site and in the area.

The Senior Development Management Officer stated that these representations did not change the officer recommendation.

The Chairman asked the Vice Chairman to step down from the Committee and seat himself in the Visiting Members section. The Chairman took control of the stopwatch in order to ensure all speakers had their allowed five minutes and he invited the first speaker to address the Committee.

The first speaker introduced himself as Councillor Peter Heath, Chairman of Sudbrooke Parish Council. He explained that the Parish Council had reviewed the application and wished to object under LP1, it did not provide sustainable development; LP2, it far exceeded the housing stock; LP3, development targets had been exceeded; LP7, it was not high quality visitor accommodation. He stated that the Parish Council felt there was a complete uncertainty as to the use and purpose of the building. It was stated that it would be an Air BnB or overflow for consultants working at Lincoln Hospital. Councillor Heath stated that the proposal was contrary to LP10, meeting accommodation needs and contrary to LP17 as it was not in keeping with the village aesthetic. The Parish Council felt that the application was in conflict with LP26 for design and amenity, that the access was on a main arterial road, a known accident blackspot and there were significant safety concerns for vehicle users of the property. Councillor Heath added that hedges had been removed, despite assurances that they would remain in place, and the Parish Council was adamant that the proposal did not provide for existing or future residents of the village. The Committee also heard from

Councillor Heath that the Parish Council felt the application was contrary to the Sudbrooke Neighbourhood Plan. He stated that the proposed building would not be in keeping with the village scene, where the existing property was. They felt that the application did not meet the aspiration of the village, that there would be excessive traffic generated by the proposal and that the nature of the application should constitute a change of use application from residential to business use. Councillor Heath also informed the Committee that there were concerns about existing behaviours on site, such as burning of waste, and requested that the application be rejected.

The Chairman invited the second speaker, the applicant, to address Committee Members.

Mr Vaddaram introduced himself and explained that he had developed hundreds of high-quality properties. He stated that his proposal had 73 supporters including three Officers, against 21 objections. He outlined his response to those objections as follows:

- Policies referred by the objectors were not valid as the scheme was supported by the case officer who was knowledgeable and experienced. He felt the objectors were insulting his professionalism.
- Overbearing nature: Mr Vaddaram stated that as confirmed by the officer, the scheme was acceptable.
- Highway safety impairment: he highlighted that the Officer had confirmed that this proposal would not have any implications.
- Public right of way effects: he again highlighted that there was no objection from the officer concerned.
- Inadequate Parking: Mr Vaddaram questioned whether there was anyone present who had ever used more than one vehicle whilst visiting a hotel as a family.
- Staff parking: he stated that his staff only needed to go the premises once the guest vacated the room which automatically created empty parking spaces.
- Noise, disturbance and arrival time: the applicant felt this was the same as any other residents who also accesses their house at any time.
- The design and appearance: he stated that the front elevation of this proposal matched other properties in the cluster.
- Potential party house, brothel and drugs den: Mr Vaddaram stated that these were unreasonable speculations and illegal to public under 'Defamation Act'. Furthermore, he noted that these activities could also take place in any other dwellings.
- Neighbour's residential amenity: he explained that these points were covered by the case officer.
- Rear projections and overshadowing: Mr Vaddaram noted that under the PD rights, he believed anyone could extend up to 8 meters at the rear of their properties and he felt it was unreasonable to object to a smaller development than they could build in their own garden.
- Impact of car park: he highlighted that he had extensively altered the car park plans according to the officer's recommendations to mitigate this.
- No need for proposal: Mr Vaddaram stated that if the objectors believed this, they were contradicting with their own arguments.
- Use as HMO: he explained, for clarity, that the proposal was not a typical HMO. As there was no relevant classification for this proposed use, the planners had chosen the closest classification. He stated that his clientele were professional short stay guests.

- Title deed prevention: he noted there was nothing in his deeds to prevent this proposal.
- Removal of planting and ecological impact: Mr Vaddaram highlighted to Members that there were no TPOs on site. He had also included all of the greenery recommended by the planning officer within his proposal.
- Waste burnt on site and Issues with another applicant's sites: he stated that the Environmental Officer from WLDC had confirmed there were no issues. He reiterated that every application should be assessed on their own merits and should not relate to the applicant's other sites.
- Comments on approved planning Consent of 23 Wragby Road: He felt these comments were derogatory and insulting to the planning approval process.
- Commenting on supporters as nonsense and request to disregard: Mr Vaddaram felt this same rule should apply to objectors as well.
- Comments on number of my family members: he questioned how objectors could know all his family members and felt that interference with his private and family life was against the law under 'Human Rights Act'.
- Mr Vaddaram stated that his respected community members had confirmed there was clear 'racial discrimination' after assessing all of the objectors' comments. He felt that anyone reading such comments could easily ascertain that the objectors were obstructing development of the person from different ethnic origin.

Mr Vaddaram concluded by saying that his initial scheme with 14 rooms had undergone several major alterations, after working tirelessly with planning officers to make the scheme acceptable and to comply with all relevant policies. He highlighted that the proposal had received more than three times the supporters than objectors. He requested Members to vote in favour of the case officer's recommendation. He requested to be provided with the valid and specific reason referencing planning policies, should it be refused. He also noted his intention to appeal and claim costs should the application not be successful. Mr Vaddaram thanked Committee Members for their time.

The Chairman explained to all present that there was a technical difficulty with the live webcasting of the meeting and the meeting would pause shortly for these issues to be resolved.

**Note:** The meeting adjourned at 6.48pm and reconvened at 6.51pm.

The Chairman explained that unfortunately, the meeting was not available to watch live, however the recording of the meeting would be available to view on the council website the following day. He then invited the third and final speaker, Councillor Robert Waller, to make his comments.

Councillor Waller explained he was the Ward Member for the application and he was in complete agreement with the Parish Council. He stated that he felt the application went against many policies of the Local Plan and the Neighbourhood Plan. He also explained that while there were letters of support, he spoke on behalf of the people in his ward not those from other areas. Councillor Waller informed Members that, while the applicant referred to the proposal as a HMO, he felt it was more akin to a bed and breakfast business and as such should be classed as commercial activity. He stated that it was implied there was a need for such a premise as those available in Lincoln were damp and unclean which he felt was unnecessary and that there were several grey areas as to how the premise would

actually be used. He requested that clarity be sought as to the nature of use of the property and referenced several supports using terminology such as 'hotel', which, he highlighted, was not what was described on the application. Councillor Waller stated that he did not believe that the area needed a hotel, nor a HMO and that it would be completely out of character for Sudbrooke. He raised concerns about the location in terms of being on an arterial road, which he did not feel could be classed as a residential street. He believed the application went against LP1 and LP2 in that it exceeded the housing stock. He also felt it was in direct conflict with LP17 and LP26 regarding design principles. In addition, Councillor Waller explained that he believed the application went against the Neighbourhood Plan as the design and appearance was out of keeping with the rest of the village. He thanked Committee Members for their time and requested that the application be rejected.

**Note:** Councillor Robert Waller left the meeting at 6.56pm.

The Chairman invited comments from the Senior Development Management Officer who clarified that the use of the premises being applied for was as a HMO. The Chairman invited comments from Committee Members.

There was significant discussion as to the intended purpose of the property. There was a strong feeling that an application for business use would be more appropriate and that the description of a HMO did not accurately reflect the intentions of the applicant. A Member of Committee raised concerns that the applicant appeared to be providing accommodation for Lincoln rather than Sudbrooke and as such was contrary to LP1 regarding sustainable development.

Members of Committee sought clarification as to the intended use but felt that terminology used by the applicant contradicted the details of the application. It was agreed that each application had to be decided upon as it was presented to the Committee however some Members felt there was sufficient doubt as to whether there was an intended business use, as to require further information.

After further discussion, a Member of Committee stated that she did not agree with the statements of objection and moved the officer recommendation to approve the application.

The Legal Advisor clarified that should the application be approved, the licence for being a HMO would also need to be applied for. She explained that it was different to the terms of, for example a holiday lease, where there were limits as to how long people could reside there. This was not the case for a HMO.

Committee Members engaged in further discussion as to the intended use of the property and whether there were other options available to the Committee. It was subsequently proposed that the application be deferred in order for further clarification to be sought from the applicant as to the intended use of the property. The request for information was to confirm whether this would be for a HMO or whether there was intended business use. This proposal was seconded.

A Member of Committee seconded the move that permission be granted and this was put to the vote. With two in favour and 10 against, Members did not vote to agree the application.

The Chairman then took the second motion to the vote, for the application to be deferred.



With 11 in favour and two against it was agreed that application number 140180 be **DEFERRED** to be heard at a later meeting.

**Note:** The meeting was adjourned at 7:13pm to allow members of the public to leave the room.

#### **45 139839 - MAIN STREET, OSGODBY**

**Note:** Councillor Robert Waller returned to the room at 7:14pm and retook his seat at Committee.  
The meeting also reconvened at 7:14pm.

The Chairman introduced application number 139839 for outline planning to erect 2no. dwellings with all matters reserved. He invited the Development Management Team Leader to provide any updates to the report. She stated that there was a typographical error in that application number 140128 referenced in the report was for one dwelling. She explained that application number 140160 had been granted for one dwelling the week prior to Committee and this took the remaining growth level for Osgodby to two dwellings. She reiterated that, notwithstanding that recent approval, the Officer comments in the report on page 38 about there being no requirement for the applicant to demonstrate community support still stood, as, at the point of submission of the application, there was headroom to accommodate the number of dwellings proposed. It was also highlighted to Members that the wording of LP2 stipulated that community support should be demonstrated at the point of submission in respect of applications in settlements where growth levels had been met or exceeded. In this instance, it was the case that there was capacity for each proposal individually and therefore no community support was required for them. The Development Management Team Leader commented that the fact that the council had received three separate applications for the same village should not be a determining factor in each of the applications. Following determination of the two applications before Committee, the growth figures would be reassessed and any future applications determined accordingly.

The Chairman thanked the Officer and invited the first speaker to address the Committee.

The first speaker introduced herself as Councillor Yvonne Knibbs, Chairman and representative of Osgodby Parish Council. She stated that the Parish Council objected to the application, as it did not meet the criteria in the Neighbourhood Plan. She explained that the Parish Council felt it was not an appropriate site, that it was a green field site and a previous application had been refused as the whole of the site was not considered to be appropriate. She added that the proposed development would go against the core shape and character of the village and was in conflict with section 7.8 of the Neighbourhood Plan regarding frontages and Main Street. Councillor Knibbs stated that the Parish Council felt the applicant needed to demonstrate clear support for the proposed development, as it would exceed the maximum of 25 houses in the area and that, not only was there no support, there were actually several objections. She explained that the access lane was not suitable, that there were already issues with the road breaking up and they had concerns about flooding and drainage issues. Councillor Knibbs stated that West Lindsey District Council had a duty of care to the community and requested that the application be refused.

The second speaker was invited to address the Committee. He introduced himself as Mr Ian

Hutchison, agent for the applicant, speaking in favour of the application. He stated that the Officer's report provided a detailed analysis of what he believed was a difficult application in consideration of the numerous contrasting policies in the Local Plan and Neighbourhood Plan. Mr Hutchison explained to the Committee that, in relation to the Parish Council's objection to the application, the development had been considered at two Parish Council meetings. The applicant had attended both meetings and it had seemed that the Parish Council had been happy for the West Lindsey District Council Officer to analyse the application accordingly. He highlighted the sequential tests, with definition of the eight categories running over several pages of the Neighbourhood Plan and, although there were contradictions within the plans, he highlighted that the site was categorised as a category D site, meaning it was in the higher bracket for development than E sites and below. Mr Hutchison made reference to the growth levels for Osgodby and highlighted to Members that, although the allowed growth level was for a period until 2036, it had been made clear by Officers that there was no time restriction for this level being met. He thanked the Committee for their time and requested that the Officer recommendation be upheld.

With no further comment from the Officers, the Chairman invited comments from the Committee Members. He noted that he had received an email from Councillor Cordelia McCartney, Ward Member, stating her support of the Parish Council's views.

There was significant discussion regarding the benefits of parishes adopting a Neighbourhood Plan and the importance of supporting these Plans. It was also highlighted that previous applications had been refused. A Member of Committee supported concerns raised regarding the ribbon development style of the village and that the proposed development would detract from this tradition. It was also felt that to agree the proposed development would be to set a precedent for similar developments in other similar villages. The Development Management Team Leader explained that previous applications and appeals had been determined under a different plan and it was important to consider each application on its own merits.

The Chairman reminded Committee Members that, in order to recommend refusal of the application, Members did need to provide reasons and policies that they felt were being contradicted. Following further discussions, a Member of Committee moved to refuse the application. This was seconded on the basis that the application was contrary to LP1, as it was not sustainable; contrary to LP2, as the proposed layout was contrary to the spatial strategy and contrary to LP26 regarding design and amenity. It was also noted that it was contrary to NP4, regarding the design and character of the settlement.

Having been proposed and seconded, the Chairman called the vote. With thirteen in favour and one abstention it was agreed that the application be **REFUSED** as contrary to LP1, LP2, LP26 and NP4.

#### **46 140128 - LOW ROAD, OSGODBY**

The Chairman introduced planning application number 140128 for 1 no. dwelling on land south of Low Road, Osgodby and invited the Development Management Team Leader to provide any updates. She stated that the update provided for agenda item 6b (application number 139839), regarding there being no requirement for the applicant to demonstrate community support and in relation to the growth figures for the area, was also relevant to this

application.

The Chairman invited Councillor Yvonne Knibbs to return to address the Committee. She highlighted that the previous application on the site in question had been for four dwellings, which was in line with the Neighbourhood Plan. She stated that the proposed additional dwelling would be exceeding the limit of four dwellings as stated within the Neighbourhood Plan and the recommendations within the Local Plan to limit housing developments to around four dwellings. She also informed the Committee that there was outline permission on an adjacent plot of land for three dwellings, which the Parish Council felt would be akin to a mini housing estate. Councillor Knibbs reiterated her previous comments of the ribbon footprint in Osgodby and that the Parish Council felt this was in danger of being eroded by new developments. She stated that the Neighbourhood Plan should be taking precedence and requested the Committee to consider refusal of the application.

The Chairman invited the second speaker to make his comments.

Mr Sam Marriott introduced himself as agent for the applicant and thanked the Committee for the opportunity to speak. He provided Members with some background information as to the nature of the development and explained it was owned and developed by a local couple making their first foray into development. He highlighted that, of the original four dwellings, the first was about to be handed over to the new owners and had been sold within four days of being on the market. He stated that there was a demand for bungalows in the area and this was an opportunity to provide for that need. Mr Marriott explained to the Committee that the area of land was considered to be underdeveloped, with space for up to 10 units, and that should the application be approved there would still only be five units on the site. He felt that the argument of the Parish Council was one of semantics between the phrasing of the Neighbourhood Plan and the Local Plan but the application should be considered for what it was – an application for a single bungalow. He added that it was important to note there had been no residential objections to the proposed dwelling and reiterated that it would be fulfilling a need for these properties in the area. He thanked the Committee for their time.

The Chairman asked for any response from Officers and the Senior Development Management Officer reiterated that the application was for a single dwelling. The outline permission mentioned by the Parish Council was a separate site entirely.

On inviting comments from Members of the Committee, there was discussion as to the indicative layout on the site for the proposed dwelling and whether there was suitable space. It was highlighted that aspects to be considered were areas such as whether there was space for off-road parking and whether the garden was a suitable size. It was agreed that the site should not be considered over-developed and the Legal Advisor reiterated that the application was for a single dwelling on a site recently seen as appropriate for development and must be taken on its own merits.

There was further discussion regarding the limits of 'up to' or 'around' four dwellings and the Legal Advisor further clarified for Members that they were assessing the application as a single dwelling, not in conjunction with the other four dwellings.

With this in mind, the Officer recommendation was moved and seconded and put to the vote. With 12 in favour and two abstentions, it was agreed that planning permission be **GRANTED** subject to conditions as detailed below.

**Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or require matters to be agreed before the development commenced:**

NONE

**Conditions which apply or are to be observed during the course of the development:**

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings dated 2nd October 2019:

- 025/0149 – Dwelling and Garage Elevation and Floor Plans
- 035/0149 P5 – Site and Landscaping Plan
- 031/0149 P5 – Foul Drainage Plan

The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 1 and 4 of the Osgodby Neighbourhood Plan.

3. No construction works above ground level must take place until details of a scheme for the disposal of surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation of the dwelling must occur until the approved scheme has been completed and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Osgodby Neighbourhood Plan.

4. The dwelling must be completed in accordance with the materials listed below:

- Traditional Welbourne Antique Brick
- Sandtoft Concrete Double Pantile Roof
- Cream UPVC Windows
- French Green/Pale Green Composite Doors (a Farrow and Ball type heritage colour)
- Cream Aluminium bi-folding doors

- Oak Post canopy with traditional lead roof.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the street scene to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Osgodby Neighbourhood Plan.

5. The proposed driveway and turning space must be constructed from a permeable material and completed prior to occupation of the dwelling. The use and permeable construction material must be retained as such thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Osgodby Neighbourhood.

6. No occupation of the dwelling must occur until the foul drainage scheme identified on foul drainage plan 031/0149 P5 dated 2nd October 2019 has been completed and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Osgodby Neighbourhood Plan.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

7. All planting and/or turfing comprised in the approved landscaping plan must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping must be retained thereafter.

Reason: To ensure the landscaping is completed in accordance with the plan and to reinstate the removed hedging to the front of the site to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Osgodby Neighbourhood Plan.

**47 140042 - DEEPDALE LANE, NETTLEHAM**

**Note:** Councillor Angela White stepped down from Committee at 8:09pm for the duration of this item.

The Chairman introduced application number 140042 for a two and a half storey office building and associated car park. On seeing there were no updates from the Officer, he invited the first speaker to address the Committee.

The first speaker introduced himself as Councillor John Evans, Chairman of Nettleham Parish Council. He stated that the Parish Council had no objection to building on the proposed plot and fully supported the completion of the enterprise park however, they strongly believed that the proposed building was out of proportion with the rest of the park. He explained that the other buildings on the site were one or two floors high. The building on the other side to the proposed development stood at 7m high with a second floor built into the roof space. He stated that the new building would stand at 12m high, a size difference which would be exacerbated by the proximity to smaller buildings as well as the proposed site being the highest point of the park. He commented that the topographical effect would emphasise the additional height of the building. Cllr Evans stated that they believed the application to be contrary to the Neighbourhood Plan as well as LP5 (appropriateness of size and scale) and LP55 (inappropriate for the rural character of the locality). He made enquiries of the Officer regarding the hedge height and amenity space but concluded by requesting the Committee to reject the application.

The Chairman invited Councillor Angela White to address the Committee. She explained she was speaking as Ward Member and had requested that the application be decided by Committee. She reiterated the comments from the Parish Council that the enterprise park was supported but it was the proposed building she objected to. She referred to LP26, section c, regarding the design of the building and LP26 section d, that there would be no coalescence with other buildings. She commented that the proposed building would have a detrimental impact on the street scene and would harm the character of the site. She reiterated the support for the park, but not for the proposed building on account of its inappropriate size and height. She thanked the Committee for their time and requested that the application be declined.

**Note:** Councillor Angela White left the room at 8:18pm

The Senior Development Management Officer clarified for Committee Members that the proposed building was 3m higher than anything else on the site which was not a significant increase and did not make it unacceptable. He confirmed the hedge was labelled as 1.5m to 2m in height on the site/landscaping plan and although there was no specified position for bins, there was space available and it could be addressed in the conditions.

The Chairman invited comments from the Committee and whilst there was overall support for the completion of the enterprise park, it was felt that the size of the proposed building in its prominent location was detrimental to the overall character of the area and was overpowering. A site visit was proposed however this was not seconded and therefore not taken to a vote.

A Member of Committee proposed the refusal of the application with reference to LP17, LP26 section c, regarding the existing topography, height and scale of the proposed building, and D6 section a of the Neighbourhood Plan, recognising the local character, again in relation to the height and scale of the proposed building. This was seconded and taken to vote.

With 12 in favour and one abstention, it was agreed that planning permission be **REFUSED** as it would not accord with local policy LP17 and LP26 criteria (c) of the CLLP, Policy D-6 criteria (a) of the Made Nettleham Neighbourhood Plan and the provisions of the NPPF.

**Note:** Councillor Angela White returned to the room at 8:30pm and retook her seat at Committee.

#### **48 DETERMINATION OF APPEALS**

The Chairman explained the Determination of Appeals were there to be noted but invited comments from Committee Members.

A Member of Committee noted that this was the first time he could recall all applications at a meeting having a Neighbourhood Plan and commented that he felt this demonstrated the importance of these Plans. He enquired whether there would be the option to work with Officers to understand the impact and discuss how the prevalence of Neighbourhood Plans may effect decisions in the future.

There was further discussion amongst Members regarding the importance and legal implications of Neighbourhood Plans. The Legal Advisor explained that Neighbourhood Plans form part of the development plan for the district and had to be taken in context with national policies and the Local Plan.

The Chairman invited Visiting Member Councillor Giles McNeill to speak in relation to an allowed appeal in Nettleham. He apologised to the Committee for not having succeeded in defending the appeal and explained the strategic actions he would be looking to take through the strategic forum.

**RESOVLED** that the determination of appeals be noted.

The Chairman thanked all present for their time and wished all a Merry Christmas and Happy New Year.

The meeting concluded at 8.42 pm.

Chairman

# Agenda Item 6a





## **Officers Report**

### **Planning Application No: 140180**

**PROPOSAL:** Planning application for demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping.

**LOCATION:** Rosemary Villa 30 Wragby Road Sudbrooke Lincoln LN2 2QU

**WARD:** Sudbrooke

**WARD MEMBER(S):** Cllr Waller

**APPLICANT NAME:** Mr Vaddaram

**TARGET DECISION DATE:** 19/12/2019

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Martin Evans

**RECOMMENDED DECISION:** Approve

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This application for planning permission was considered by the Council's Planning Committee at the meeting held on the 11th December 2019.

The application has sought planning permission for a large House of Multiple Occupation (HMO). At the meeting, Members of the Committee were unclear as to the intended purpose of the building and have sought clarity as to the proposed use of the building. This includes whether this would be as a bed and breakfast, guest house, hotel, HMO or air b'n'b. Members also sought clarity as to the expected length of stay by occupants.

The Planning Committee therefore deferred from determining the application, to allow the applicant the opportunity to clarify these matters, and provide further information as to the intended use and purpose of the building.

The current application entails erection of a large house in multiple occupation (sui generis use class). Planning legislation in England uses the definition of an HMO as set out in section 254 of the Housing Act 2004.

#### **Housing Act 2004 definition of HMO**

Section 254 of the Act defines a "house in multiple occupation". A building or part of a building is an HMO if it satisfies 'the standard test' [relevant and quoted below], the 'self-contained flat test' or the 'converted building test', or if an 'HMO declaration' [relevant and quoted below] is in force under section 255 of the 2004 Act, or it is a 'converted block of flats to which section 257 applies.'

*"254 Meaning of "house in multiple occupation"*

*(1) For the purposes of this Act a building or a part of a building is a “house in multiple occupation” if—*

*(a) it meets the conditions in subsection (2) (“the standard test”);*

*(b) it meets the conditions in subsection (3) (“the self-contained flat test”);*

*(c) it meets the conditions in subsection (4) (“the converted building test”);*

*(d) an HMO declaration is in force in respect of it under section 255; or*

*(e) it is a converted block of flats to which section 257 applies.*

*(2) A building or a part of a building meets the standard test if—*

*(a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;*

*(b) the living accommodation is occupied by persons who do not form a single household (see section 258);*

*(c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);*

*(d) their occupation of the living accommodation constitutes the only use of that accommodation;*

*(e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and*

*(f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.”*

To meet the test the building, or part of the building, must consist of one or more units of living accommodation that is not a self-contained flat or flats. The living accommodation must be occupied by more than one household who share one or more of the basic amenities (toilet, washing facilities and cooking facilities) or the accommodation is lacking in one or more of these amenities. The occupiers must occupy the living accommodation as their only or main residence and their occupation must constitute the only use of that accommodation. At least one of the occupiers must pay rent or provide some other consideration in respect of their occupation.

The fluctuating nature of the population in certain properties means that a property can move in and out of the three tests. Where a building, or part of a building, is partly occupied by persons as their only or main residence, but is also partly occupied otherwise than as a residence (for example partial use for

holidaymakers), the authority may make an HMO Declaration if it is satisfied that the occupation of the building by persons as their only or main residence is a significant use of the building, or part of the building.

*“255 HMO declarations*

*(1) If a local housing authority are satisfied that subsection (2) applies to a building or part of a building in their area, they may serve a notice under this section (an “HMO declaration”) declaring the building or part to be a house in multiple occupation.*

*(2) This subsection applies to a building or part of a building if the building or part meets any of the following tests (as it applies without the sole use condition)—*

*(a) the standard test (see section 254(2)),*

*(b) the self-contained flat test (see section 254(3)), or*

*(c) the converted building test (see section 254(4)),*

*and the occupation, by persons who do not form a single household, of the living accommodation or flat referred to in the test in question constitutes a significant use of that accommodation or flat.*

*(3) In subsection (2) “the sole use condition” means the condition contained in—*

*(a) section 254(2)(d) (as it applies for the purposes of the standard test or the self-contained flat test), or*

*(b) section 254(4)(e),*

*as the case may be.”*

Additional powers over multiple occupation available to local authorities are mainly contained in the Housing Act 2004.

The Housing Act introduced a two-tier approach to the regulation of HMOs in the private rented sector: mandatory licensing for larger ‘high risk’ HMOs and discretionary licensing schemes for smaller HMOs. Mandatory licensing applies to HMOs of three storeys or more which are occupied by five or more persons (who form two or more households). Additional licensing applies to any other type of HMO where the local housing authority has identified a significant problem with the management of that type of HMO.

A register of existing multiply occupied houses may be maintained to ensure satisfactory conditions for residents in terms of their health and safety. Management Orders and Notices requiring repairs and/or amenity provision may be served. Overcrowding may be controlled under the same Act and if more people occupy any premises than the particular authority feels the facilities and size permit, a direction order may be served. The Housing Act also can be used to require fire escapes.

The applicant has confirmed that the intended use of the property does meet the statutory definition of a HMO and that the occupants can stay one day or one week or one month or one year or several years but if the proposed use class of the application stipulates to restrict any length of stay by an occupier, then the applicant will adhere to it.

It is opportune to include the verbal update from the last meeting as part of this report as well as including any further representations received.

Reepham Parish Council makes comments/objections: "The traffic and general disturbance associated with a HMO of this scale is totally inappropriate for this location. It would seriously damage the amenity value of the adjacent properties that are family homes."

40 Additional letters of support have been received from various addresses in India and 6 Shepherds Way, Sudbrooke; 17 St Lawrence Drive, Bardney; 72 Greetwell Close, Lincoln; 62 Worthington Road, Balderton; 32 Brooklans, Milton Keynes; and Deadmans Lane, Greenham summarised as follows:

- Will help boost economic development
- Support the proposal
- Would provide good accommodation
- I stayed there it is a good place
- Would provide a suitable place to stay for visitors including those to Lincoln.

Additional objections has been received from The Blacksmiths Yard, 21 Station Street, Timberland and 28 Wragby Road, Sudbrooke summarised as follows:

- Concerned about the sudden interest in proposal and disputes the validity of the comments because of lack of local connection. Hope the application is refused.
- Believe proposal contravenes rights under the Right to Light Act 1959 in relation to side windows. It states that an easement of light is a right

to light through a window, where that light has passed over a neighbour's land.

- Light to side windows is not already compromised contrary to officer report. The current property is 6.3m from these windows which allows cones of light into my dining room; the proposed new side of the house is 8.3m high and 2.5m away, thus blocking this light from these windows.
- Contrary to the officers report, the proposal would exceed the 45 degree line because the associated bedroom window has been drawn in the wrong position. Resident is concerned the drawings were not checked, wants this assessed correctly and is extremely disappointed that validation of these drawings lies with a resident. Residents drawing provided below for reference.



General observations have been received from 25 Wragby Road, Sudbrooke summarised as follows:

- A replacement dwelling at 23 Wragby Road may be used as guest accommodation.
- Harmful impact on residential amenity of occupants of 28 Wragby Road
- Querying removal of hedge and garage before permission is granted.
- Concerns about burning waste on site and in the area.

In considering the content of the letters of objection received the drawings do contain a misplaced 45 degree angle. This can be used as a rule of thumb by Council's to control the depth of rear extensions in order to prevent excessive daylight loss. However, this is not an adopted policy of the Council. The proposal would project beyond the 45 degree line and this would have some impact on the outlook and light from the rear bedroom window in question but this is not considered to be sufficient to warrant refusal of the application.

With regard to "Rights to Light" the courts have generally taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on loss of private rights to light could not be material considerations. Rights to light are therefore nothing to do with the planning system. The main statutory power is Section 3 of the Prescription Act of 1832 which provides that where access of light has been enjoyed for a period of more than 20 years without interruption, such a right is "absolute and indefeasible". In other cases so called "rights of light" are easements granted to adjacent property owners.

It is clear from the above that the right to light issue raised by the objector is not a material planning consideration. However, it is still relevant to consider the loss of sunlight and daylight that would be experienced by adjoining properties which the original report does and concludes is acceptable with additional consideration above.

These additional considerations do not change the original officer recommendation and the original report is repeated below.

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### **Description:**

This is an application for planning permission for demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping.

The existing vacant two storey dwelling has three bedrooms and is fairly modest in scale with a traditional brick and tile construction. It is approximately 8m to ridge height and 4.5m in width.

The proposed house in multiple occupation (HMO) features ground floor living area, separate kitchen/diner and car underpass, with eight en-suite bedrooms on the two floors above. The roof is part pitched and part flat. It is approximately 8.3m to ridge height and 11.6m wide with a 0.75m gap to the common boundary with 28 Wragby Road along which it is proposed to erect a new masonry wall.

Proposed materials for walls are red facing brickwork and through coloured render. Proposed roofing materials are dark grey eternit thrutone artificial slates. Windows and door to be dark grey upvc/aluminium. A streetscene elevation is submitted showing the proposal in context with the two dwellings adjacent.

Eight car parking spaces are proposed with four to the front of the dwelling and four to the rear accessed via the underpass. The vehicular access from the A158 would be widened to 5.6m. Garden beyond the rear parking spaces would be retained as would the existing hedge to the eastern and southern boundaries.

It is proposed to drain surface and foul water to main sewer

It is proposed waste and recyclable waste is collected daily by the applicant and removed from site. The waste is taken to a central depot, sorted, segregated in to general and recyclable waste and disposed of accordingly.

Public right of way Sudb/129/1 is immediately to the north east of the site. The site forms part of a cluster of four dwellings on the southern side of Wragby Road which are surrounded by arable farmland to the south.

**Relevant history:**

None.

**Representations:**

**Cllr Waller:**

Requests the application is determined by committee and gives the same reasons as Sudbrooke Parish Council's comments, as quoted below.

**Sudbrooke Parish Council:**

“LP1 - The application is in direct conflict with LP1 as it does not provide sustainable development and is unlikely to be used by existing residents.

LP2 - Sudbrooke has far exceeded the housing stock in the Neighbourhood Plan.

LP3 – Does not apply because development targets met and exceeded by Sudbrooke Park Development.

LP7 – This is not high quality visitor facilities and conflicts with the majority of LP7. Sudbrooke Parish Council state this as to the complete uncertainty of the use of the building.

The applicant has stated that it is to be used as an air bnb and an 'overflow' for hospital consultants. This does not fit in with Sudbrooke Neighbourhood Plan.

LP10 has already been met by The Park development for the next 25 years; it conflicts with Neighbourhood Plan 4.5.1.

LP17 – The new building in relation to the townscape afforded by existing houses is in direct conflict with LP17.

LP 26 – In conflict with design principle LP26(B). The access on the main arterial route into Lincoln (A158) is a known accident blackspot.

LP2C – It will be completely out of character with other houses in the village.  
Sudbrooke Neighbourhood Plan 5.22 – This application for a block of eight ‘flats’ as stated use of air bnb does not provide for existing and future residents to live in a home appropriate to their needs.

5.23 Section 13 – The proposed build of this application is completely out of character with a village mentioned in the doomsday book.

Sudbrooke Neighbourhood Plan does not identify a need for this type of accommodation.

Paragraph 5.23 does not respect the Neighbourhood Plan and Sudbrooke Village Character Assessment despite stating otherwise in the application.

6.2 - States that the proposed building is on a residential street within the village. However Sudbrooke Parish Council would like to point out that the A158 is the main arterial road from Skegness to Lincoln.

6.3 – The existing two storey property **is entirely** in keeping with the street scene and this development will be considerably larger and not in keeping with the street scene.

6.5 – Mr Martin Evans, the Planning Officer referred to is not, to the knowledge of Sudbrooke Parish Council, a Senior Planning Officer with West Lindsey District Council.

6.6 – Sudbrooke Character Assessment suggests that Sudbrooke is an attractive village to live and this proposal would not ‘raise the standard of design more generally in the area’.

6.7 – Sudbrooke Parish Council does not agree that this application confirms with the Policies stated.

6.9 – There has never been a call for this type of accommodation in the area. It will not fulfil a non-existent local need.

6.11 – Sudbrooke Parish Council disputes that this development meets the aspirations of National and Local Planning Policy and it should be rejected.

LP 10 – This does not support LP 10.

### **Material Planning Considerations**



The over bearing nature of the proposal.

Access and Highway safety will be impaired by the arrival and departure of residents and service vehicles on the main A158 just metres from the junction of Scothern Lane.

Traffic Generation – The development will generate more traffic by its concept.

Noise and disturbance from the Scheme – Residents will be able to arrive any time - day or night -having paid their fees on-line.

The design and appearance is a Material Consideration in that it is out of keeping with the rest of the village.

Sudbrooke Parish Council has been approached by numerous residents concerned about the use of this building as a potential party house, brothel, and drugs county lines operation.”

### **Reepham Parish Council:**

Requested a deadline extension to 5<sup>th</sup> December.

### **Local residents:**

Residents of 24, 25, 26, 27, 28, 29, 31, 33 Wragby Road, 50 St Edwards Drive, 46 Windsor Close, 6 Manor Drive Sudbrooke; 12 Barlings Lane, Langworth; 21 Station Road, Timberland object to the proposal (summary):

- Residential amenity- reduced light to neighbours, loss of views, proximity of proposal to neighbour, rear projections beyond neighbour, overshadowing, impact of car park and wall, enjoyment of garden via noise and exhaust fumes, occupants could arrive at any time.
- No need for proposal- no community benefits from transient occupants.
- Proposed use as HMO- out of character with residential the area, noise, poor behaviour of occupants.
- Additional traffic and parking problems- with associated car noise at any time of day and headlights shining at properties. Insufficient parking. May park on road to front, endangering other road users, and restricting right of way access. Pedestrian safety. Lack of service vehicle parking.
- Lack of facilities in area.
- Not a sustainable development.
- Risk of crime from occupants.
- Title deed may prevent the proposal.
- Existing dwelling should be kept as this is a residential area as this better meets National, Local and Neighbourhood policies.
- Group of four properties very visible in both directions on road and should be considered in a group. Visual impact in all directions. Size, mass and scale of proposal is out of local context and does not reflect or compliment neighbours and too big for the plot.
- Removal of planting and ecological impact. Can hedge be protected?
- Could be used for parties if unstaffed/ may be disorderly.

- Waste has been burnt on site.
- Issues with another of the applicants sites.

Residents of Parklands West Drive, 3 Manor Drive, 20 Beresford Drive, 75 Wragby Road, 5 and 6 Shepherds Way, 3 Maple Drive, 66 Holme Drive, 18 Northfield Avenue Sudbrooke; 9 Greetwell Road, Lincoln; 17 Manor Rise, Beck House, 3 Beck Hill, Reepham; 38 Bobbin Lane, Lincoln; 6 Hawthorn Road, 131 Jubilee Close, Cherry Willingham; 17 The Alders, 7 Lime Tree Paddock, Scothern; 12 Harland Road, 29 Foster Street, Flat a 2A Ripon Street, 5 Ploughmans Court, 28 Smith Street, Lincoln; 16A Wragby Road East, North Greetwell; 3 Ravenwood, 4 Hillcroft, Washingborough, 45 Stane Drive, Bracebridge Heath, 52 Cranwell Street, 91 Uffington Avenue, Flat C 143 Newark Road, Lincoln; Old Post Office, West End, Swaton, Sleaford; 17 Grenville Court, Chorleywood; 230 Harborne Lane, Birmingham; Social Economy House, Victoria Street, West Bromwich; Kodathi, Varanasi, Kunigal, Bangalore in India support the proposal (summary):

- Visitors sometimes have to stay in Lincoln. Proposal provides local option that is safe, clean and modern.
- Extra accommodation for visitors with bigger rooms.
- Agree with the proposal.
- Could ease congestion elsewhere.
- It allows people to spend time closer to nature and relax
- Visitors may visit nearby attractions.
- Hotel, guest house in this location is a good idea. No hotels or guest houses in Sudbrooke.
- Offers variety and flexibility of accommodation for tourists.
- Good views for occupiers.
- Away from crowded city centre.
- Easy access and well located to Lincoln and coast.
- Peaceful, quiet and comfortable rural location for proposal.
- Good replacement building and accommodation will uplift the area.
- Location would suit business visitors in Lincoln.
- Most guest houses in Lincoln are old and full of damp.

Two letters had an incomplete address from Greetwell Road, Lincoln; Taurus Avenue, North Hykeham.

WLDC Environmental Protection Officer recommends demolition management plan, no burning on site, waste to be removed by licenced persons, asbestos assessment required prior to works. Construction management plan to be submitted. The proposed use should be clarified. Further details of waste collection are required.

### **LCC Highways and LLFA:**

No objection subject to informatives regarding amended access and works within the highway.

## **LCC Public Rights of Way Team:**

The Definitive Map and Statement shows Definitive Footpath (Sudbrooke) No.129 adjoining the site although this would not appear to affect the proposed development. Comments;

i/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.

ii/ The construction should not pose any dangers or inconvenience to the public using the right of way.

iii/ If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division

If there is any doubt that any of these conditions may be breached then a temporary diversion or closure may be needed. Under these circumstances, please advise the applicant to contact Mr Chris Marsh at this office at least 13 weeks prior to their proposed start date. Applicants should be aware that there is a cost in processing such Orders.

## **Relevant Planning Policies:**

### **Development plan**

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals and Waste Local Plan (December 2017 and June 2016).

### **Lincolnshire Minerals and Waste Local Plan**

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/minerals-and-waste/88170.article> -

Core Strategy and Development Management Policies

- Site locations

No relevant policies.

### **Central Lincolnshire Local Plan**

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP26: Design and Amenity

### **Other**

<https://www.gov.uk/government/collections/planning-practice-guidance>  
National Planning Policy Framework 2019 and Planning Practice Guidance  
Paragraph 213 states:

*"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

### **Sudbrooke Neighbourhood Plan (SNP)**

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/sudbrooke-neighbourhood-plan/>

Sudbrooke Neighbourhood Plan has reached referendum stage. An examination of the plan was carried out by an independent examiner in September / October 2019 by written representations. Subject to a series of recommended modifications set out in their report the examiner concluded that the examination of the Sudbrooke Neighbourhood Plan was successful and the plan should proceed to referendum.

West Lindsey District Council has determined that the examiner's recommended modifications to the Sudbrooke Neighbourhood Plan meet the 'basic conditions' as set out in Planning and Compulsory Purchase Act 2004. West Lindsey District Council has agreed with Sudbrooke Parish Council that all of recommended modifications made by the independent examiner be included and revised in the original Neighbourhood Plan in order for it to proceed to public referendum with a date to be confirmed later. The revised referendum version of the plan is currently in preparation.

Relevant policies are:

Policy 7: Public Rights of Way

Policy 9: Local Design Principles

Sudbrooke Village Character Assessment- the site is within the 'Wragby Road' character area.

### **Main issues**

- The principle of development
- Design and visual impact
- Impact on residential amenity
- Impact on highway safety
- Flooding and drainage

### **Assessment:**

#### **The principle of development**

Policy LP2 designates Sudbrooke a medium village, stating:

#### *“5. Medium Villages*

*Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support\*\*\*\*, the following applies in these settlements:*

- they will accommodate a limited amount of development in order to support their function and/or sustainability.*
- no sites are allocated in this plan for development, except for Hemswell Cliff and Lea. typically, and only in appropriate locations\*\*, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances\*\*\*\*\* proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.”*

The proposal entails a replacement dwelling, albeit, in the form of a larger HMO. This accords with the requirement for a limited amount of development of up to 9 dwellings. Some representations refer to growth levels having already been exceeded but Policy LP4 does not apply to a replacement dwelling. Policy LP2 is consistent with the NPPF paragraph 78 requirement for policies to “identify opportunities for villages to grow and thrive” so is attributed full weight. The Sudbrooke Neighbourhood Plan does not have policies relevant to the principle of development.

The principle of development is acceptable.

#### **Design and visual impact**

Policy LP26 requires all development must achieve must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. It requires all development must take into consideration the character and local distinctiveness of the area and where applicable must demonstrate that they make effective and efficient use of land; maximise pedestrian permeability; respect existing topography, landscape character, relate well to the site and surroundings with regard to siting, height, scale, massing, form and plot widths; incorporate as far as possible existing natural features; incorporate appropriate landscape treatment to ensure assimilation into the surrounding area; provide well designed boundary treatments and hard and soft landscaping; reflect or improve on the original architectural style of the local surroundings or embrace opportunities for innovative design and new technology which sympathetically complement or contrast with the local architectural style; use appropriate high quality materials which reinforce local distinctiveness.

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 states “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve”. Paragraph 127 requires policies and decisions ensure developments function well and add to the overall quality of the area; are visually attractive as a result of good

architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. LP26 is consistent with section 12 of the NPPF in requiring well designed places. It is therefore attributed full weight.

Policy LP17 relates to landscape, townscape and views. It requires proposals have particular regard to maintaining and responding positively to natural and man-made features within landscape and townscape which positively contribute to the character of the area including hedgerows. It requires proposals take account of views in to, out of and within development areas. LP17 is consistent with NPPF paragraph 170 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside. It is therefore attributed full weight.

NPPF paragraph 48 allows Councils to give weight to relevant policies in emerging plans based on their stage of preparation; extent of unresolved objections to relevant policies; and their consistency with the NPPF. The SNP is at an advanced stage of preparation with the referendum the only remaining stage prior to being made, there is no known unresolved objection; and its policies are consistent with the NPPF. Therefore, Policies 7 and 9 are attributed substantial weight.

Please note all reference to the SNP takes into account the modifications required by the Examiners report dated 18<sup>th</sup> October 2019. Policy 9 states:

*“In conjunction with the Sudbrooke Character Assessment (Appendix 5), development proposals will be supported where they have considered the following:*

*1. In relation to site context:*

*a) the proposal responds positively to the specific character area as identified within the Sudbrooke Character Assessment, the local distinctiveness and form of its surroundings;*

***[Note examining Inspector deleted criterion b from the policy]***

*c) key views of village, as identified within the Sudbrooke Character Assessment, and the important landscape views, as identified on figure 16, should be safeguarded. Development proposals should demonstrate that they will not have an unacceptable adverse impact on the views listed 1-11.*

*2. In relation to site design, layout and access: The arrangement of buildings, structures and spaces within the site, including density and*

*layout, and the alignment and orientation of buildings, relates positively to the character and form of the surroundings, achieves a high quality of design and meets all of the following criteria:*

- a) integrates well with the existing street patterns and characteristics which define that specific character area*
- b) protects the amenity of neighbouring occupiers; and*
- c) creates well-connected and attractive outdoor areas*

*3. In relation to the design of buildings and structures:*

- a) proposals make a positive contribution to their surroundings through the quality of their design in terms of scale, height, form, massing, style, detailing, landscaping and use of materials and meet criteria (b) to (c) listed in part (2) above;*
- b) proposals for non-residential buildings consider flexibility in design to facilitate conversion to other uses in the future;*
- c) proposals for residential buildings consider the accessibility and adaptability of new homes to meet the long-term needs of residents; and*
- d) proposals are designed to take advantage of renewable and low carbon energy sources, including natural solar gain.”*

Relevant sections of the Sudbrooke Character Assessment state:

*“5.65 The final key characteristic of Character Area 5 is derived from the influence of the southern side of Wragby Road. Specifically, it is the openness of this stretch of roadside and the views it affords out towards the village’s wider landscape setting (Fig 149 and 150) that are important to the overall character and feel of Wragby Road. This visual connection to the landscape south of Sudbrooke is complemented by a public right of way that grants pedestrian access into this countryside setting (Fig 151).”*

*“5.67 Two further residential clusters exist along southern edge of Wragby. The first is comprised of a row of inter-war properties with hipped tiles roofs, tall red brick chimney stacks, two-storey bay windows with front facing gables (Fig 155), and is set just slightly back from the road behind open, unenclosed front gardens. The other is located at the junction of North Lane and Wragby Road, and consists of three large detached dwellings, set back from the road within long, narrow plots, and partially screened by roadside planting to the front of the plots (Fig 156).”*

The proposal responds well to site context as it does not harmfully affect the openness on the southern side of Wragby Road or visibility to the countryside beyond, nor does it impact on the public right of way itself, as confirmed by LCC public rights of way officer. The proposal has a part hipped roof. It does have a section of flat roof although this would not be obvious in the surrounding area and it does not feature a tall red brick chimney stack. The proposal does feature two storey bay windows with front facing gables and it is set slightly back from the road. The front garden would become a parking

area but would remain open in character with the front masonry wall height capable of being controlled by condition. It is noted the front of 24 Wragby Road is partly enclosed by a large fence. The proposal respond positively to the Wragby Road character area 5 of the Sudbrooke Character Assessment. The proposal is not within any key views identified in the SNP. Despite this, the site is in a conspicuous location as it visible in both directions along Wragby Road and from the public right of way to the east and south. There is little landscaping on the site to soften these views. Whilst the proposal is larger than the existing dwelling its overall scale is not considered to be so large and incongruous as to be in conflict with relevant policies LP17 and LP26. The streetscene elevation and other drawings show the proposal is in keeping with the scale of development in this cluster of four dwellings with the resulting landscape and townscape impacts being acceptable.

The site design, layout and access proposed entails a building on broadly the same part of the site, albeit with a larger footprint. The front elevation remains in line with 28 Wragby Road and would continue to face the road. Residential amenity impacts are discussed below. Outdoor areas provide some remaining garden with retained hedgerow and tree but is mostly car parking. The proposal is larger than the existing dwelling but the overall scale, height, form, massing, style, detailing and use of materials (subject to condition) are considered appropriate to the area. The streetscene elevation shows the proposed building height and bulk reflects adjacent properties and the use of render is a feature of 24, 26 and 28 Wragby Road. Some landscaping would be retained as part of the proposal.

Policy 7 requires *“All new proposals should protect and, where possible, enhance the existing Public Rights of Way network as identified on Figure 13.”* The proposal would not impact the public right of way.

The proposal is considered to comply with the Sudbrooke Character Assessment, Policy 7, Policy 9, LP17 and LP26.

### **Impact on residential amenity**

Policy LP26 requires proposal do not unduly harm residential amenity with consideration to compatibility with neighbouring land uses; overlooking; overshadowing; loss of light; increase in artificial light or glare; adverse noise and vibration; adverse impact upon air quality from odour, fumes, smoke, dust and other sources; adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste; and creation of safe environments. This is consistent with the requirements of NPPF Paragraph 127 that policies and decision should ensure that developments “f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users” and NPPF paragraph 170 in seeking to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability and can be attached full weight.



The main impact of the proposal will be on the single immediate neighbouring dwelling at 28 Wragby Road. The proposal would not project to the front of this neighbouring property. The residents of this property confirm it has three windows on the ground floor side elevation facing the proposal, two of which serve a dining room. These are two small high level windows. The outlook and light to this room is already compromised by the existing building. The applicant could erect a 2m high fence on this boundary or a 2.5m high outbuilding without planning permission which would further compromise outlook and light. The proposal would leave a 0.75m gap to the boundary and there is an approximate 1.8m gap (stated by occupiers of this dwelling) between the side of number 28 and the boundary. There is not considered to be a harmful loss of light or sense of overbearing. The other side facing window serves a room with another rear facing window resulting in an acceptable impact.

The submitted drawings demonstrate that whilst the proposal projects to the rear of number 28 it would not extend beyond the 45 degree line drawn from the closest rear facing first floor bedroom window. The rear projection is not considered to be harmful.

The provision of car parking to the rear of the proposal and associated access through the building will be result in some level of noise, car fumes and headlight impact for residents of number 28 including use of their garden and would be a change compared to the previous arrangement with no rear parking area. However, the level of impact combined with the ability to condition a 2m high masonry boundary wall along the common boundary to reduce these impacts results in the impact being acceptable in accordance with LP26. The front car parking area would have similar impacts but must be considered in the context of the very busy Wragby Road which will already be resulting in a significant level of impact to number 28. It would not be appropriate to have a 2m masonry wall in this location due to the streetscene impact therefore it is necessary to condition this to be 1m in height. This would reduce to a small degree impacts experienced by the residents of number 28 from the front parking area. The impacts of the parking and access arrangements would not harm residential amenity in accordance with LP26.

The nature of the use as a HMO is more intense than a regular family dwelling but the impact of the nature of this use along with potentially more frequent vehicle movements and use of the rear garden and building itself is not considered to result in any conflict with LP26. There is not considered to be an increased risk of crime from the proposal. Impact on more distant properties is minimal and acceptable.

It is proposed that waste and recyclable waste is collected daily by the applicant and removed from site. The waste is taken to a central depot, sorted, segregated in to general and recyclable waste and disposed of accordingly. The Environmental Protection Officer considers a formal arrangement via licenced waste carrier is required therefore it is necessary to

condition details of waste storage and collection arrangements to comply with LP26.

The impact of the proposal on residential amenity is considered to be in accordance with LP26.

### **Impact on highway safety**

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 108 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 109 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The policy is therefore attributed full weight.

The vehicular access to the site would be widened to 5.629m to allow two vehicles to pass on another. A total of eight car parking spaces are proposed with four to the front and four to the rear with the rear spaces being accessed through the building. Car parking is provided on the basis of one car parking space per bedroom. LCC Highways raises no objection to the proposal. Despite objections received, the proposal is considered to provide suitable access, parking and turning arrangements in a location that would not result in harm to highway safety and convenience. The impact on highway safety is acceptable in accordance with Policy LP13.

### **Flooding and drainage**

Policy LP14 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical whereas NPPF Paragraph 165 requires this for only major developments. However, there is general consistency in requiring developments do not lead to increased risk of flooding therefore LP14 is given full weight.

The site is in flood zone 1 therefore the main consideration is the means of foul and surface water drainage. It is proposed to drain surface and foul water to main sewer. This is acceptable for foul but not for surface water because this has not been justified by exploration of soakaway use or local watercourse. This issue is not a fundamental concern and final details can be secured via condition in accordance with Policy LP14.

### **Conclusion and recommendation**

Replacing the existing dwelling with a large HMO accords with Policy LP2 and is acceptable in principle. Whilst the design is larger than the existing dwelling it is considered to comply with the emerging Sudbrooke Neighbourhood Plan and character assessment as well as Central Lincolnshire Local Plan Policies LP17 and LP26 regarding design and landscape and townscape impacts. The proposal will result in an acceptable impact on the residential amenities of the

occupiers of adjoining residents in accordance with Policy LP26. The type and level of traffic generated and the access, turning and parking arrangements on site are considered not to harm highway safety and convenience and comply with Policy LP13. Final details of foul and surface water drainage, waste storage and collection and other technical matters can be secured via condition. The proposal is considered to comply with the development plan, NPPF and emerging policy. It is recommended that planning permission is granted.

Recommended conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. No development above foundation level shall take place until details of the means of foul and surface water drainage (including percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before occupation of the HMO.

Reason: To secure appropriate foul and surface water drainage in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

3. Development shall proceed in accordance with the following approved drawings:

L-ADD-026-10

L-ADD-026-11

L-ADD-026-12

L-ADD-026-13

L-ADD-026-14

Reason: For the sake of clarity and in the interests of proper planning.

4. The vehicular access amendments, vehicular access through the building, parking and turning space shown on drawing L-ADD-026-10 shall be provided before occupation of the HMO and shall be retained for such use in perpetuity.

Reason: In the interests of highway safety and convenience and to ensure sufficient vehicle parking and turning in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

5. Notwithstanding the submitted details, prior to the occupation of the HMO details of waste storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to.

Reason: To ensure appropriate waste storage and collection arrangements in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

6. Prior to their use in the development, details of the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To ensure an appropriate design to the proposal in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

7. The masonry wall to the western boundary, the location of which is shown on drawing number L-ADD-026-10, shall be 1m in height to the front of the front elevation of the building and shall be 2m in height the wall to the rear of the rear elevation.

Reason: To mitigate the impact of the parking arrangements on residential amenity of adjacent occupiers in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

### **Informatives**

LCC Highways wishes to make the applicant aware of the following:

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. For approval and specification details, please contact [vehiclecrossings@lincolnshire.gov.uk](mailto:vehiclecrossings@lincolnshire.gov.uk)

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

### **Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

### **Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

IC Acanthus WSM Architects Ltd.  
 The general contractor is responsible for the verification all dimensions on site and the architect is to be informed of any discrepancy.  
 The status of information contained in a computer copy of this drawing shall be limited to that conveyed by the paper copy.

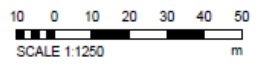
Revisions:

No.	Description	Date	Issued



Drawing Status			
<input type="checkbox"/> preliminary	<input type="checkbox"/> information	<input type="checkbox"/> comment	<input type="checkbox"/> approval
<input type="checkbox"/> planning	<input type="checkbox"/> tender	<input type="checkbox"/> construction	<input type="checkbox"/> record/built
Scale		1 : 1250	
Date		Sept. 2019	
Drawn/Checked	HK / JRW		
Dwg.No	3024.03.100		

**Location Plan**  
 Bowling Green Lane,  
 Gainsborough  
 Acis Group



## **Officers Report**

### **Planning Application No: 140111**

**PROPOSAL:** Planning application for residential development of 135no. dwellings, comprising one and two storey dwellings and 2no. four storey apartment buildings, with associated amenity spaces and car parking.

**LOCATION:** Land off Bowling Green Road Gainsborough  
**WARD:** Gainsborough North  
**WARD MEMBER(S):** Cllr M D Boles, Cllr M J Snee and Cllr K R Panter  
**APPLICANT NAME:** Acis Group

**TARGET DECISION DATE:** 03/01/2020 (Extension of time agreed until 10/01/2020)  
**DEVELOPMENT TYPE:** Major - Dwellings  
**CASE OFFICER:** Rachel Woollass

**RECOMMENDED DECISION:** Grant permission subject to the EA response and conditions.

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The application has been referred to the committee as West Lindsey District Council own part of the site.

#### **Description:**

The site is approximately 3.25ha and is predominantly flat, separated from the River Trent by a steeply sloping bank. This defines the western boundary of the site and elevates a walkway from the bank of the river. It is approximately 2m above the general site level.

To the north and east of the site sit two storey residential developments, typical of the Victorian vernacular style of the area.

A more contemporary 2000's residential development, containing a combination of two and three storey terraced and detached dwellings, sits along Bowling Green Road overlooking the site's southern boundary.

Wilson Street, is an existing adopted road which runs north to south

The application seeks permission (in full) for a residential development of 135 dwellings comprising of one and two storey dwellings and 2 four storey apartment buildings, with associated amenity spaces and car parking.

The site is allocated for residential development in the Central Lincolnshire Local Plan (site CL4689).

#### **Relevant history:**

120984 – Demolition Determination – Consent to demolish dwellings, grub up floor slab and foundations and seal redundant drains. Prior approval not required 18/10/07

### **Representations:**

**Gainsborough Town Council:** Members raised concerns regarding the increase in traffic onto Ropery Road.

### **Local residents:**

5 Asquith Street – Has there been any assessment on the increase of traffic to the proposed application?

3 George Street – with respect to the proposed siting of the electricity sub-station behind the borders of gardens of the odd numbers of George Street (drawing number 302.03.101), I would proposed changes that site the transformer at least 8 metres from the George Street gardens border (presently approximately 3 metres), be in brick built construction and vented towards the Riverside (west) to reduce noise, especially at night when a no load on a transformer gives 50hz (hertz) hum sound to the surrounding area. The architects are aware a substation devalues adjacent properties and have clearly sited their houses at a further distance to the substation than George Street properties.

7 George Street – [recv'd 05/11] I have lived at 7, George street, since August 1981 and in all that time I have always been told that the land behind me would never be built on because of the risk of flooding. Even if we have a rainy summer my garden becomes a quagmire, so it will be even worse closer to the river, and with Global warming, Flooding is becoming a major problem in area's they thought safe.( There is only one insurance company that will insure me because of the close proximity of the river).

People have bought houses and settled in this street ( on the river side especially) because of the peace and quiet and the open views of the countryside.

At the public meeting (which I was unable to attend due to a Hospital appointment) I was informed that the houses would stop at the junction of Japan road & George Street, but looking at the plans this is not the case. This is not what the residents want, the noise & traffic will be horrendous compared to what we are used to.

I have already been in to the council to complain about the bulldozers clearing the land of Bushes, undergrowth and even Trees and a small Wood, which the council knew nothing about. At this time of year everything are going into hibernation, the area is full of Hedgehogs, small mammals, Pheasants, Fox's and we have seen Deer going through, the birds are various and number thousands and the Cuckoo returns every April.

I think every piece of Green land is vital in this day and age and everyone should play their part in preserving nature not destroying it.

There are more than enough empty houses in Gainsborough that would be far more beneficial to renovate, to upgrade neighbourhoods than the need to build new.



**Highways and Lead Local Flood Authority (LCC):**

13/12/19: No objections, conditions and informatives suggested. Requests monies for Travel Plan monitoring and Traffic Regulation Order.

27/11/19 - Highways

General layout arrangement is acceptable, the following information will be required:

- A shaded plan showing areas proposed for adoption.

The turning head serving Block B indicates that it incorporates a vertical deflection, this will require alteration as the HLLFA do not accept vertical deflections in the carriageway. As an indicated shared surface (minimum of 5.5m in width) the 0.5m service margins will require replacing as these are no longer accepted. These should be replaced for a 1.8m wide soft service margin where required. Please refer to Lincolnshire County Councils Development Roads and Sustainable Drainage Design Approach available on our website.

The existing traffic regulation order serving Wilson Street will require revocation. This work would be carried out by the Highway Authority at the applicants expense. A sum of £2000.00 via a Section 106 will be required to cover the cost for the removal of the Traffic Regulation Order. This does not include the physical removal of the signs and markings on site as this will require inclusion in the S38 works to upgrade Wilson Street to serve the proposed development.

Drainage

Current drainage strategy should consider incorporating further SuDS measures in order to improve the quality of surface water discharge leaving site.

Travel Plan

Recommendations requested for the travel plan. A sum of £5000.00 via a Section 106 agreement will be required for approved travel plan monitoring.

**NHS England:** The above development is proposing 135 dwellings which, based on the average of 2.3 people per dwelling for the West Lindsey District Council area, would result in an increase in patient population of 311. An increase in population of 311 in the West Lindsey District Council area will place extra pressure on existing provisions. As such Cleveland Surgery and Caskgate Street Surgery may be affected by the development. The contribution requested for the development is £85,387.50.

**Public Protection:** Contamination - Fact of a combined Stage 1/Stage 2 Geo-Environmental Report having been submitted with this application ought

not to detract from the need of a comprehensive contaminated land condition being applied to any permission.

Noise – A piling solution would appear to be required to ensure appropriate foundations in the ground conditions apparent. Piling has the potential for significant noise, including vibration. Accordingly any permission ought to be conditioned to require that if percussion piling is to be used then an overall program and method statement ought to be required and agreed in writing before construction commences. Said program shall demonstrate minimum disruption and impact.

Lighting – It is recommended that a lighting plan be required and approved before development commences.

**Lincolnshire Police:** Do not have any objections to this application.

**LCC Minerals and Waste Team:** 22/11/19 - It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11, prior extraction of the mineral resource would be impracticable and proximal sterilisation would not be an issue. Accordingly, the County Council has no safeguarding objections.

This reply sets out the County Council's comments and response in its capacity as the Mineral Planning Authority only. The views/comments of other relevant service areas/departments within the County Council (e.g. Highways & SuDs, Education, Historic Environment, etc.) should therefore also be sought where appropriate and taken into account in the determination of the application.

18/11/19 – Within a Minerals Safeguarding Area. The proposals should therefore be accompanied by a Minerals Assessment.

**Natural England:** No comments

**Strategic Housing Manager:** The development of this brownfield site in Gainsborough was identified as a site for residential development in the Greater Gainsborough Housing Zone in 2015.

The proposed mix of housing on the site of affordable rent, shared ownership, housing for older people, supported accommodation and housing available to purchase on the open market sale provides a good mix to reflect housing need in Gainsborough and West Lindsey as set out in the Central Lincolnshire Strategic Housing Market Assessment.

The Central Lincs SHMA 2015 identifies a need to provide 911 units per annum over the period 2014– 2019. This equates to a total of 17,400 affordable homes over the period 2012 – 2036. A further need is evidenced by the Lincs Homefinder housing register which has in excess of 500 households requiring affordable housing within Gainsborough and over 25% of those registered are over the age of 55.

West Lindsey have also been working with Housing LIN (The Housing Learning and Improvement Network) to develop an understanding of the requirement for housing for older people in West Lindsey. This has determined a wider range of housing options for people over the age of 55 is required in West Lindsey and across the whole of Greater Lincolnshire. This scheme provides a mix of accommodation types and tenures for older people helping to meet the objectives set out in the Housing Lin report and assisting to meet the needs of our aging population.

The site is in a sustainable location within close proximity to local amenities, shops, doctors surgeries' school etc. and is therefore a good location to develop affordable housing.

**Tree Officer:** No representations received to date

**LCC Education:** No representations received to date

**Lincolnshire Wildlife Trust:** No representations received to date

**Environment Agency:** In the absence of an acceptable flood risk assessment (FRA) we **object** to this application and recommend that planning permission is refused.

**Reasons** The submitted FRA (ref: 17-0571/FRA) dated November 2019 does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

1. Fully assess the impact of a breach of the flood defences on the site
2. Identify an 8 metre easement from the toe of the flood embankment

The West Lindsey District Council Strategic Flood Risk Assessment (SFRA) details additional breaches within Gainsborough (see: 'West Lindsey Strategic Flood Risk Assessment (Final Report) July 2009', Part 6, fig. 9.3). The location of a breach is crucial to determining potential impacts on the proposed development. We would advise that the applicant uses data from the SFRA in combination with Environment Agency breach data and sets the finished floor levels based upon all available data.

The drawing 'Proposed Drainage Strategy With Proposed Levels' (ref: 17-0571-006, Rev. C) shows that the proposed development would encroach on the 8 metre easement strip that is required for access to the toe of the flood embankment. The applicant should provide details of the distance between the proposed development and the flood embankment.

In previous discussions with the applicant it was agreed that an easement strip would be maintained from the toe of the flood embankment. The easement strip allows us to undertake essential maintenance on our asset. The erection of a permanent structure within 3 metres and building within 5 metres of the asset would impede any future improvement works or any emergency repair works that may be required. Please note this easement strip should allow access for vehicles.

This proposal is also contrary to policy LP14 in the Central Lincolnshire Local Plan.

**Overcoming our objection** - To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection.

**Archaeology:** I can confirm that the results of this evaluation do not warrant any further archaeological involvement in association with this application. This is because it has demonstrated that the development would have no impact except on modern remains of very low significance.

Idox checked 17/12/19

### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the development plan comprises the provisions of the Central Lincolnshire Local Plan; and the Lincolnshire Minerals and Waste Local Plan.

### Central Lincolnshire Local Plan 2012-2036

Relevant policies include the following:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement

LP3: Level and Distribution of Growth

LP9: Health and Wellbeing

LP10: Meeting Accommodation Needs

LP11: Affordable Housing

LP12: Infrastructure to Support Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP38: Protecting Gainsborough's Setting and Character

LP40: Gainsborough Riverside  
LP41: Regeneration of Gainsborough  
LP50: Residential Allocations – Main Towns

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

#### Lincolnshire Minerals and Waste Local Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and forms part of the Development Plan. The application site is not within a Mineral Safeguarding Area (MSA).

The Site Locations were adopted in December 2017. The site is within an allocated Minerals Site.

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/>

#### National guidance

National Planning Policy Framework  
National Planning Practice Guidance

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

*Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

#### Gainsborough Town Neighbourhood Plan

The Gainsborough Neighbourhood Plan Steering Group, formed by Gainsborough Town Council, has prepared a draft Neighbourhood Development Plan for its area. The Draft Plan has now been published for formal consultation with local residents, statutory bodies, business and other interested parties. The consultation period runs from Tuesday 29th October 2019 until 5.00 pm on Tuesday 17th December 2019.

Draft policies that may be relevant include –

NPP 1: Spatial Strategy  
NPP 6: Design Principles  
NPP 7: A Mix of Housing Types  
NPP 14: Riverside North

<https://ragegainsborough.co.uk/wp-content/uploads/2019/10/NHP-V7-Draft.pdf>

Paragraph 48 of the NPPF (2019) states that:

*“Local planning authorities may give weight to relevant policies in emerging plans according to:*

*(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

The Neighbourhood Plan is currently at the earliest formal stage of publication. The first draft has been published and public consultation is now underway. The extent to which there may be objections is yet to be established. It is therefore considered, in accordance with paragraph 48, that only very limited weight may be given to its policies in the determination of this application. Policies do have the potential to alter following consultation.

#### **Main issues**

- Principle
- Highways
- Drainage
- Flood Risk
- Affordable Housing
- Viability
- Infrastructure
- Design
- Residential Amenity
- Landscape, Townscape and Views
- Ecology
- Archaeology
- Minerals
- Contamination

#### **Assessment:**

##### Principle

Policy LP2 states that to maintain and enhance their roles as main towns, and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision.

LP3 states that for Gainsborough - around 12% (4,435) of the total homes and employment land needed, delivered through a combined strategy of urban regeneration and sustainable urban extensions.

The site is part of a wider housing allocation (CL4689) Riverside North Housing Zone. LP50 allocates the whole site (13.74ha) for primarily residential use with an indicative capacity of 170 dwellings.

West Lindsey District Council with the support of the Homes and Communities Agency (HCA), is promoting the redevelopment of a number of derelict and disused brownfield sites within Greater Gainsborough and along the riverfront under the Housing Zone initiative. The 'Greater Gainsborough Housing Zone' was one of a number of areas designated by the Government in 2015 and provides the council access to additional borrowing/funding sources and professional support from the Homes and Communities Agency.

The purpose of Housing Zones is to stimulate and accelerate housing development.

The Greater Gainsborough Housing Zone will act as a catalyst to the creation of a new and differentiated housing market in the town. It will expedite the delivery of housing on brownfield land by providing access to the Housing Zone recoverable investment loan funding, HCA professional staff support and dedicated brokerage support from central government to help remove barriers that are preventing schemes from moving forward.

It aims to deliver a minimum of 750 homes across 13 sites including larger strategic sites, aiming to regenerate the town centre and riverfront areas of the town, former industrial sites and some housing sites which have been partially delivered but have stalled.

The site is identified for residential development in the Greater Gainsborough Housing Zone and will be partly publically funded as per the above.

Planning law requires the application to be determined against the provisions of the development plan, unless there are material considerations to indicate otherwise. The site is allocated for residential purposes within the Central Local Plan, and the principle of development therefore accords with the development plan. The principle of housing is therefore acceptable and is in accordance with policies LP2, LP3 and LP50.

NPPF paragraph 20 states that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

Paragraph 85 of the NPPF states that Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Paragraph 117 states that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Policies LP2, LP3 and LP50 of the Central Lincolnshire Local Plan are consistent with the NPPF and should be attached full weight.

Policy NPP1 of the Draft Gainsborough Neighbourhood Plan states that Development in the Gainsborough Neighbourhood Plan area should be located so that it can make a positive contribution towards the achievement of sustainable development. Development should assist in meeting the economic, social and environmental regeneration of the Town in accordance with District policies. The proposal would therefore be in accordance with policy NPP1 of the Draft Neighbourhood Plan although only very limited weight is given to this policy at this early stage of the Plan's development.

#### Highways

Policy LP13 states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

The application site is presently formed of scrubland and demolished housing plots along the east side of Wilson Street, and is bound by the River Trent along the western boundary of the site. Wilson Street runs through part of the application site. Bowling Green Road forms a junction with the southern end of Wilson Street, whilst Japan Road forms a junction with the northern end of Wilson Street.

The proposed residential development will provide a total of 135 residential dwellings split between a sheltered accommodation bungalow, rented apartments, affordable over 50's apartments, affordable houses and privately-owned houses.

The application has been submitted with a Transport Assessment.

This concludes that high quality pedestrian and cyclist connectivity will be provided between the development site and the public footpath which runs along the western boundary of the site, known as the Riverside Walk, via two access points.

The site location is considered to be sustainable due to close proximity to Gainsborough town centre. A range of goods, services and facilities are accessible within a reasonable walk (within 1.5km) of the proposed development site. Footways and pedestrian crossing facilities are provided throughout the area assisting pedestrian journeys to key destinations within Gainsborough.



The local road network, in addition to the National Byway cycle route running through the area, facilitates cycle journeys within Gainsborough and through to surrounding locations. Public transport in the form of bus services provide links between the site location and a number of destinations, including Lincoln, Scunthorpe, Morton and Kirton Lindsey.

It is anticipated that the proposed residential development will result in an additional 48 vehicle trips in the AM peak and 50 vehicle trips in the PM peak. This is considered to be robust on the basis that 30 of the apartments are for over 50's only, however trips rates for standard affordable apartments have been used for these units. It is reasonable to suggest that the over 50's apartments will generate lower amounts of trips compared to apartments with no restrictions on the age of the occupants, as a higher proportion are likely to have retired or generally generate less trips during the traditional weekday AM and PM peak hours.

Due to the low amount of trips forecast to be generated by the proposed development, and the fact that the development has two points of access, it is reasonable to assume that there will be an impact of less than 30 two-way movements on either of the site access junctions (60% of the total maximum peak hour movements). When distributed beyond the site access junctions the trips will be further diluted and as a result will not have a significant impact on traffic flows, highway capacity and road safety on the highway network in the surrounding area.

A Travel Plan (discussed below) has been prepared alongside this Transport Assessment and includes a number of measures which will be implemented to help to manage the level of traffic generation associated with the residential development.

Personal Injury Accident (PIA) records for the 5-year study period do not indicate any significant cluster sites or specific road safety issues within the study area. No PIAs have been recorded along Wilson Street, Bowling Green Road or Japan Road. The proposals are not considered likely to have any significant effect or 'severe' impact on the local highway network, in terms of road safety. Road safety improvements are not therefore proposed as part of the development proposals.

#### *Travel Plan*

The application has also been submitted with a Travel Plan (TP). The TP summarised that the site location is considered to be sustainable due to its close proximity to Gainsborough town centre.

A range of goods, services and facilities are accessible within a reasonable walk (within 1.5km) of the proposed development site. Footways and pedestrian crossing facilities are provided throughout the area assisting pedestrian journeys to key destinations within Gainsborough.

The Riverside Walk for use by pedestrians and cyclists to travel between Bowling Green Road and Front Street, and beyond, is also located adjacent to the site.

The local road network, in addition to the National Byway cycle route running through the area, facilitates cycle journeys within Gainsborough and through to surrounding locations.

Public transport, in the form of bus services, provide links between the site location and a number of destinations, including Lincoln, Scunthorpe, Morton and Kirton Lindsey.

Travel Plans have become an important element of working towards national and local transport and sustainability policy objectives, including the National Planning Policy Framework, the Local Transport Plan prepared by LCC, and the Local Plan prepared by the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC). The document has been prepared in accordance with these policy objectives.

The TP brings together aspects regarding on-site measures, in the form of scheme design and the on-site infrastructure proposed, as well as off-site travel options, including walking, cycling and public transport facilities.

Paragraph 108 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Policy LP13 is consistent with the NPPF and should be attached full weight.

The Traffic Order is a matter between LCC Highways and the applicant however an informative will be included on the decision notice.

The request for the Travel Plan Monitoring will not be secured by s106 due to the viability of the site. There will however be a condition for a travel plan to be undertaken and adhered to.

Highways requested some amendments to the layout as per their consultation response. An amended site plan was subsequently received and is acceptable.

The proposed residential development is considered to be acceptable in highway and transport terms in accordance with policy LP13.

### Drainage

Policy LP14 states that development proposals should demonstrate that certain criteria are met, including:

- g. that water is available to support the development proposed;*
- h. that development contributes positively to the water environment and its ecology where possible and does not adversely affect surface and ground water quality in line with the requirements of the Water Framework Directive;*
- i. that development with the potential to pose a risk to groundwater resources is not located in sensitive locations to meet the requirements of the Water Framework Directive;*
- j. they meet the Building Regulation water efficiency standard of 110 litres per occupier per day;*
- k. how Sustainable Drainage Systems (SuDS) to deliver improvements to water quality, the water environment and where possible to improve amenity and biodiversity have been incorporated into the proposal unless they can be shown to be impractical;*
- l. that relevant site investigations, risk assessments and necessary mitigation measures for source protection zones around boreholes, wells, springs and water courses have been agreed with the relevant bodies (e.g. the Environment Agency and relevant water companies);*
- m. that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;*
- n. that no surface water connections are made to the foul system;*
- o. that surface water connections to the combined or surface water system are only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments) and where there is no detriment to existing users;*
- p. that no combined sewer overflows are created in areas served by combined sewers, and that foul and surface water flows are separated;*
- q. that suitable access is safeguarded for the maintenance of water resources, flood defences and drainage infrastructure; and*
- r. that adequate provision is made to safeguard the future maintenance of water bodies to which surface water is discharged, preferably by an Agency, Internal Drainage Board, Water Company, the Canal and River Trust or local council).*

It is proposed to utilise existing connections to discharge to the Severn Trent Water combined system located at the end of Japan Road and along Wilson Street. New public sewer connections will be subject to a Section 106 (Water Industry Act) application.

### *Surface Water*

The proposed development has been split into three contributing areas which will discharge to the Severn Trent Water combined system at different locations. In order to maintain the discharge rate of 7l/s for all storms up to and including the 100-year return period with a 30% allowance for climate change attenuation will be required.

Planning practice guidance states that SUDs should be provided for major development unless demonstrated to be inappropriate. Due to the viability on the site this would not be possible. The LLFA have deemed the proposed drainage method acceptable.

#### *Foul Drainage*

A foul sewer connection will need to be sought for the proposed development utilising existing connection points. Foul sewers are suitably located at the end of Japan Road and along Wilson Street.

Whilst there could be some improvements to the drainage to incorporate sustainable urban drainage features such as more permeable paving to the site, however given the viability constraints this would not be possible. The drainage overall is acceptable and therefore in accordance with policy LP14.

Paragraph 165 of the states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Policy LP14 is consistent with the NPPF and is attached full weight.

#### *Flood Risk*

Policy LP14 states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

*Through appropriate consultation and option appraisal, development proposals should demonstrate:*

- a. that they are informed by and take account of the best available information from all sources of flood risk and by site specific flood risk assessments where appropriate;*
- b. that there is no unacceptable increased risk of flooding to the development site or to existing properties;*
- c. that the development will be safe during its lifetime, does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies;*
- d. that the adoption, ongoing maintenance and management of any mitigation measures have been considered and any necessary agreements are in place;*
- e. how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; and*

*f. that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical.*

The NPPF states that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change.

However, paragraph 162 makes clear that:

*“where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage, or if more recent information about existing or potential flood risk should be taken into account.”*

The Environment Agency’s Flood Map for Planning<sup>1</sup> indicates the whole of the site sits within Flood Zone 3 which is the highest risk category of flooding. It does however recognise that this is an area “benefitting from flood defences”.

The site is allocated in the development plan which has been sequentially tested – the sequential test need not be reapplied now, as per NPPF paragraph 162. The site has been identified as a sequentially preferable housing regeneration site within the CLLP therefore the sequential test is deemed to be passed.

A Flood Risk Assessment has been included within the application.

The potential sources of flooding in the vicinity of the site are as detailed below:

#### *Fluvial Flood Risk*

The River Trent is the primary Main River in the locality of the site. It lies immediately to the west of the site boundary, separated by an Environment Agency (EA) maintained flood defence.

#### *Tidal Flood Risk*

At this location the River Trent is a tidal river. The site is at a minimum level of 4.74m above mean sea level, with the EA maintained defence located between the river and the site at approx. 6.78m AOD. Modelled tidal flood levels provided by the Environment Agency indicate that, during a 0.1% AEP (Annual Exceedance Probability) tidal event, water would be as high as 5.73m adjacent to the site. The defence would, therefore, be substantial enough to protect the site. As such, the site is not at risk of flooding from tidal sources.

#### *Surface Water Flood Risk*

The site is located in a generally flat area with very gentle falls that are not perceivable from Ordnance Survey mapping. Generally flat areas do not tend

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<sup>1</sup> <https://flood-map-for-planning.service.gov.uk/>

to generate any significant amount of sheet runoff and any surface flooding from pluvial sources tends to pond in localised depressions.

The Risk of Flooding from Surface Water mapping, indicates that the vast majority of the site is at Very Low risk of surface water flooding, with isolated parcels of Low risk. The existing roads within and adjacent to the site are shown to be at High risk.

Wilson Street, Japan Road and Bowling Green Road are lower than the surrounding land. This is likely to result in surface water being stored on the roads before gradually draining away. As this ensures that the surrounding land is not at high risk, and allows for surface water to be managed in a controlled way, the site is not at significant risk of flooding from surface water or flooding from adjacent land.

The development proposals are for the regrading of the site and for the construction of new residential apartments and houses. Apartment blocks B and C closest to the River Trent will incorporate undercroft car parking to utilise the ground floor space while providing significant freeboard above potential flooding levels for the first-floor apartments. In addition, the houses will be designed with raised floor levels and entrances. Land behind the existing flood defence is proposed to be raised to 5.8m AOD which will substantially reinforce the existing embankment.

Other recommendations include –

- Ground finished floor levels at this site shall be elevated above all modelled flood levels to give freeboard above the potential flood water.
- The prospective occupants should register to receive flood warnings.
- The Flood Warning & Evacuation Plan for the site should be brought into place prior to occupation of the development with this information being made available to any subsequent occupants.

The EA have objected to the proposal as the FRA fails to:

1. Fully assess the impact of a breach of the flood defences on the site;
2. Identify an 8 metre easement from the toe of the flood embankment

At the time of writing the report, the agents have sent a further assessment of the impact of a breach of the flood defences on the site and identified the 8m easement. The EA have been consulted on the further information and we anticipate being able to update the Committee on the outcome of this consultation at the meeting.

Should the information be acceptable, the EA have intimated that there will be a condition to be added to the decision notice.

Subject to further representations from the EA and applying any proposed conditions, the proposal would be deemed to be in accordance with LP14.

NPPF paragraph 156 states that strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all

sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as local flood authorities and internal drainage boards.

Paragraph 163 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

Policy LP14 is consistent with the NPPF and is attached full weight.

#### Affordable Housing

Policy LP11 states that affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more. The site would trigger a need for 20% affordable housing which would equate to 27 dwellings. The proposal provides for approximately 80.7% affordable housing with 109 out of the 135 providing a mix of affordable tenures. This is over and above the requirement for affordable housing and would therefore meet the criteria in policy LP11.

The development of this brownfield site in Gainsborough was identified as a site for residential development in the Greater Gainsborough Housing Zone in 2015.

The proposed mix of housing on the site of affordable rent, shared ownership, housing for older people, supported accommodation and housing available to purchase on the open market sale provides a good mix to reflect housing need in Gainsborough and West Lindsey as set out in the Central Lincolnshire Strategic Housing Market Assessment.

The Central Lincs SHMA 2015 identifies a need to provide 911 units per annum over the period 2014– 2019. This equates to a total of 17,400 affordable homes over the period 2012 – 2036. A further need is evidenced by the Lincs Homefinder housing register which has in excess of 500 households requiring affordable housing within Gainsborough and over 25% of those registered are over the age of 55.

West Lindsey have also been working with Housing LIN (The Housing Learning and Improvement Network) to develop an understanding of the requirement for housing for older people in West Lindsey. This has determined a wider range of housing options for people over the age of 55 is required in West Lindsey and across the whole of Greater Lincolnshire. This scheme provides a mix of accommodation types and tenures for older people helping to meet the objectives set out in the Housing Lin report and assisting to meet the needs of our aging population.

The proposal provides approximately 80.7% for affordable housing with 109 out of the 135 providing a mix of affordable tenures. This over and above the

requirement for affordable housing and would therefore be meet the criteria in policy LP11.

Paragraph 64 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

Whilst LP11 in its entirety is not wholly consistent with the NPPF (in terms of the thresholds for requiring affordable housing) the development meets the requirement for affordable housing in both the CLLP and NPPF and is therefore attached full weight.

### Viability

A viability statement was submitted with the application. This concludes that, taking account of the high abnormal costs, the high levels of affordable housing provided, the low values of the market housing and the need for public funding to enable the development of this site to go ahead, the scheme cannot afford to provide a financial contribution for education and health.

Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

The viability assessment has been reviewed and is considered that the applicant has demonstrated that it would not be viable for the scheme to be able to meet with the education and health contributions being sought.

The scheme would not therefore be able to fully accord with policy LP12 which states that “Developers will be expected to contribute towards the delivery of relevant infrastructure.”

However, as a strategically planned and allocated site, with above policy provision of affordable housing, and supported by public funding from the HCA, it is considered that these are material considerations that may justify a departure from LP12.

### Infrastructure

Policy LP12 states that all development should be supported by, and have good access to, all necessary infrastructure.

### *Infrastructure*

Planning Permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development.



Development proposals must consider all of the infrastructure implications of a scheme; not just those on the site or its immediate vicinity. Conditions or planning obligations, as part of a package or combination of infrastructure delivery measures, are likely to be required for many proposals to ensure that development meets this principle.

Consideration must be given to the likely timing of infrastructure provision. As such, development may need to be phased either spatially or in time to ensure the provision of infrastructure in a timely manner. Conditions or a planning obligation may be used to secure this phasing arrangement.

#### *Developer Contributions*

Developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments.

NHS England have been consulted on the application and have stated that there will be an increase in patient population of 311. The increase in patient population will place extra pressure on existing provisions. As such Cleveland Surgery and Caskgate Street Surgery may be affected by the development.

Using the calculations shown in the consultation response a total cost of £275 per patient is determined. This figure is multiplied by 2.3 (the average number of persons per dwelling for West Lindsey District Council) to provide a funding per dwelling of £632.50.

The contribution requested will be  $£632.50 \times 135 \text{ dwellings} = £85,387.50$ .

As no contributions will be made for health and therefore the proposal would be contrary to policy LP12. However, the demonstration of viability is considered to be a significant material consideration in the determination of this application (Planning Practice Guidance states that “The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case...”)

Paragraph 20(c) of the National Planning Policy Framework states that Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for community facilities (such as health, education and cultural infrastructure).

#### Design

Policy LP26 states that all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.

Policy LP10 states that developers are expected to provide housing solutions that contribute to meeting the housing needs of the housing market area, as identified in the latest Strategic Housing Market Assessment (SHMA) and in

any other appropriate local evidence. This means new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

The development comprises 36 affordable, 12 shared ownership, 26 private sale two storey houses, an 8 bedroom, wheelchair accessible supported living bungalow and 60 apartments split equally between two apartment blocks of shared ownership and affordable housing.

The proposal utilises the existing highway off Wilson Street alongside new highways to provide additional access off the site.

The following design principles have been developed as part of the application –

1. Two storey dwellings fronting onto Bowling Green Road, reflecting the street scene created by the Riverside approach development.
2. Two storey dwellings fronting onto Wilson Street providing continuity between the existing street scenes and the proposed.
3. Inward looking two storey dwellings backing onto the River Trent to the west, open space to the north and an apartment block to the south.
4. Two new highway junctions off Wilson Street, provide access to proposed dwellings.
5. Apartment blocks maximise the outlook towards the River Trent. Corner features help terminate vistas created by the new highway. The blocks are orientated to maximise solar gains, providing secure south facing communal garden areas, consequently the carpark area will be positioned to the north, east and in undercroft.

The position of each dwelling has been designed to make the most efficient use of the site whilst respecting the amenity of the surrounding houses and urban grain.

Apartment blocks B and C have been positioned to optimise views over the river and to increase the amount of amenity space provided whilst reducing the impact of parking within the overall street scene.

Where possible parking has been positioned at the side of each dwelling.

The proposed two storey dwellings reflect the scale of the surrounding area, whilst the 4 storey apartment blocks situated adjacent to the river are located strategically to reduce the perception of dominance. One storey are not specifically characteristic of this area however contributes to the mix of housing on the site.

The exact details of the materials have not been provided but include buff brick, grey roof tiles and render. A materials condition will be added for the exact details.

The design of the housing is acceptable with a range of styles and storeys throughout the site. This varying building scale promotes the creation of character throughout the site.

The proposal would therefore be in accordance with policy LP10 and LP26.

The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. This guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

The guide was published 1<sup>st</sup> October 2019.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy LP10 and LP26 are consistent with the principles of the NPPF and is given full weight.

Policy NPP 6 of the draft neighbourhood plan details what design principles proposals must comply with.

Policy NPP 7 of the draft neighbourhood plan details support for housing schemes to deliver a housing mix that reflects the demonstrable need for smaller dwellings.

Policy NPP 14 of the draft neighbourhood plan details that planning permission will be granted primarily for residential use where the proposals are of a high design quality and demonstrates other criteria specifically for that allocation.

However the Neighbourhood Plan is currently at the first stage with the first draft published and public consultation underway on the first draft. The extent to which there are objections is yet to be established. It is therefore considered very limited weight may be given to its policies at this time.

#### Residential Amenity

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development:

- m. Compatibility with neighbouring land uses;
- n. Overlooking;
- o. Overshadowing;
- p. Loss of light;
- q. Increase in artificial light or glare;
- r. Adverse noise and vibration;
- s. Adverse impact upon air quality from odour, fumes, smoke, dust and other sources;
- t. Adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste;
- u. Creation of safe environments.

There are no concerns with regards to residential amenity – development would not be expected to result in unduly adverse living conditions arising to either existing, or future, residents. There is more than adequate separation between properties.

There is also ample amenity space provided for each property.

A resident has raised concern with regards to the proposed substation however the Public Protection Officer has raised no objections. It would be set approximately 15m from the nearest George street property.

The proposal is therefore in accordance with policy LP26.

Policy LP9 states that the potential for achieving positive mental and physical health outcomes will be taken into account when considering all development proposals. Where any potential adverse health impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated.

The application has been submitted with a healthy planning checklist and includes possible mitigation/enhancement measures to improve health outcomes.

This would be in accordance with policy LP9.

127 (f) states that planning policies and decisions should ensure that developments:

- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies LP9 and LP26 are consistent with the NPPF and is attached full weight.

#### Landscape, Townscape and Views

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area,

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

Policy LP38 states that proposals for development should seek to make a positive contribution to the built and natural environment and quality of life in Gainsborough. All development proposals should contribute to the realisation of the following key principles, as applicable, taking into account the Gainsborough Masterplan:

- a. Protect, conserve and, where appropriate, enhance the benefits of heritage assets, key landmarks and their settings to local distinctiveness and sense of place, through sensitive development and environmental improvement;
- b. Protect important local views from both within and outside the town;
- c. Deliver improvements to the public realm that will enhance Gainsborough's attractiveness as a destination;
- d. Support the development of art, cultural, social and leisure assets and facilities within or close to the town centre, and improve access to such assets and facilities;
- e. Protect and enhance the landscape character and setting of Gainsborough and the surrounding villages by ensuring key gateways are landscaped to enhance the setting of the town, minimise impact upon the open character of the countryside and to maintain the setting and integrity of surrounding villages.

Gainsborough is located on the eastern banks of the River Trent, extending its urban area eastwards into an undulating and often wooded landscape.

Gainsborough benefits from a number of buildings of architectural and historical merit. Parts of the riverside, from Chapel Staithe to the Old Hall have unique significance to the Town's medieval heritage, with mill and warehouse buildings a reminder of Gainsborough's later role as an important trading port.

Gainsborough's waterfront is a highly important local asset, offering attractive and unique vistas of the open countryside across the River Trent and important public space.

The proposal is in a prominent riverside location and the flats and houses have been designed to take full advantage of the outlook onto the River Trent and beyond. They have also been designed to be a complementary feature alongside the River Trent continuing the important built up character of the riverside.

The site also benefits from the existing Riverside Walk footpath.

Full landscaping details have not been provided at this stage but can be conditioned. The riverside is an urbanised feature but careful landscaping will also contribute to the visual along the riverside and enhance its relationship with Mercers Wood adjacent.

The proposal is considered to be in accordance with policies LP17 and LP38.

NPPF paragraph 127(c) states that planning policies and decisions should ensure that developments:

- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Policies LP17 and LP38 are consistent with the NPPF and are attached full weight.

### Ecology

Policy LP21 states that all development should:

- protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;
- minimise impacts on biodiversity and geodiversity; and
- seek to deliver a net gain in biodiversity and geodiversity.

Proposals for major development should adopt an ecosystem services approach, and for large scale major development schemes (such as Sustainable Urban Extensions) also a landscape scale approach, to biodiversity and geodiversity protection and enhancement identified in the Central Lincolnshire Biodiversity Opportunity Mapping Study.

Development proposals should create new habitats, and links between habitats, in line with Biodiversity Opportunity Mapping evidence to maintain a network of wildlife sites and corridors to minimise habitat fragmentation and provide opportunities for species to respond and adapt to climate change.

Development should seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species set out in the Lincolnshire Biodiversity Action Plan and Geodiversity Action Plan.

Development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings.

As part of the application an ecological assessment has been submitted.

The assessment concludes that due to the lack of complimentary habitats present within the application site, severance by intervening land uses including the River Trent and built up areas, and the type of development works proposed, it is not anticipated that there will be an adverse impact upon the designated sites as a result of the proposed development.

The habitats within the proposals site are generally considered to be of low conservation value, predominantly include dense scrub, semi-improved grassland and trees and shrubs. The plant communities at the site are of widespread occurrence and are characteristic of habitats present in the wider area and common nationally. Features on the site which are of some ecological value include trees and shrubs across the site which is likely to be of value to wildlife, such as foraging and nesting birds, foraging and community bats and small mammals such as hedgehogs.

Bats – Further survey work was recommended along with mitigation. These surveys were carried out in the form of bat activity surveys which found that activity on and adjacent to the site was limited throughout the survey period. Due to the low levels of bat activity recorded on site during surveys, it is considered that there will be a minimal impact to bats.

Reptiles – The site offers some limited suitable habitat for reptiles, therefore it was recommended that reptile surveys were undertaken. During these further surveys no reptiles were recorded on site and no other species including amphibians were noted. No further surveys or precautionary measures are recommended.

Otter – A survey of the River Trent was recommended to further assess the site for use by otter. The otter survey found that the section of the River Trent surveyed was considered suitable for commuting, foraging and resting otter but not for otter holts. No signs of otter were identified during the survey, however there are local records for this species, and the adjacent watercourse provides suitable habitat, therefore it cannot be discounted that otter may access the site.

Potential impacts on the above target species and other local wildlife will be minimised by the implementation of appropriate mitigation and enhancement measures which will be conditioned. Subject to these conditions to the proposed development would be in accordance with policy LP21.

Paragraph 174(b) of the NPPF states that to protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Policy LP21 is consistent with the NPPF and is attached full weight.

### Archaeology

Policy LP25 states that development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.

If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.

Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer and approved by the planning authority.

An archaeological evaluation was carried out by CFA Archaeology Ltd as part of the application. Fifteen trenches were excavated across the proposed site in order to evaluate the potential for the survival of archaeological remains.

A single linear ditch was present in Trench 10, which was likely a post-medieval feature thought to be associated with the allotments that previously occupied the site.

Alongside this evidence, two square pits were present in Trench 5, containing a modern assemblage of finds, also thought to be related to the allotments.

A series of fluvial deposits were recorded towards the southern boundary of the site within in Trenches 14 and 15, perhaps highlighting a number of flooding events from the River Trent which lies directly to the west.



Following this evaluation there are no further archaeological recommendations.

Paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy LP25 is consistent with the NPPF and is attached full weight.

### Minerals

Paragraph 204(c) states that planning policies should safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked).

As part of the application a Minerals Assessment has been submitted as requested by the Minerals and Waste Team.

This concludes that the site lies within a Minerals Safeguarding Area in respect of sand and gravel and accordingly, in line with policies contained within LCC's Minerals and Waste Local Plan, an appropriate Minerals Assessment has been undertaken.

The site lies to the east of the River Trent and to the west of Gainsborough town centre, and is currently vacant.

Site investigations undertaken during 2018 confirmed the site to be underlain by sands and gravels (mineral), though these lie beneath uneconomic deposits of alluvium (overburden). Geological mapping confirms a similar sequence of superficial deposits to extend in all directions.

The potential for the recovery of mineral from within the site is limited by a range of pre-existing constraints, notably the presence of residential properties to the east, a combined sewer/rising main cross cutting the site, and the River Trent to the west.

Taking into account these constraints, and as the identified mineral resource lies at depth below uneconomic deposits of alluvium, it is considered that the prior extraction of any significant volume of mineral from within the site would be unfeasible.

Given the geology, groundworks associated with the Development are highly unlikely to disturb the identified mineral resource and accordingly the potential for the incidental extraction of mineral as part of the Development is negligible.

Accordingly the Development will not result in the direct sterilisation of any potentially recoverable mineral resource worthy of safeguarding.

Whilst similar geological deposits lie in all directions, the presence of existing built development to the north, south and east precludes any potential mineral extraction in these directions, whilst the River Trent effectively prevents any potential extraction immediately to the west and southwest.

The Development will not therefore result in the indirect sterilisation of any potentially recoverable mineral reserves.

No sand and gravel extraction takes place within 1km of the site and no allocation for any future mineral working within 1km is included within LCC's Minerals and Waste Local Plan. Whilst a number of oil and gas well sites lie within 1km, the Development will not impact upon the continued operation of these well sites.

Overall it is concluded that the Development will not result in the sterilisation of a mineral resource worthy of safeguarding and will not prejudice the effective working of any currently permitted or proposed mineral extraction or minerals infrastructure.

The presence of sand and gravel within the surrounding area should not therefore be viewed as a constraint on the Development.

The Minerals and Waste Team were re-consulted on the Minerals Report. They consider that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11, prior extraction of the mineral resource would be impracticable and proximal sterilisation would not be an issue.

Accordingly, the County Council has no safeguarding objections.

### Contamination

Policy LP16 states that development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.

Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.

Proposals will only be permitted if it can be demonstrated that the site is suitable for its proposed use, with layout and drainage taking account of ground conditions, contamination and gas risks arising from previous uses and any proposals for land remediation, with no significant impacts on future users, neighbouring users, groundwater or surface waters.

As part of the application a contamination assessment has been submitted. The Environment Protection Officer has made comments as per the response above. Upon verbal discussion with the Environment Protection Officer of an appropriate condition, this would be in the form of securing the details of the remediation strategy within the report.

### **Conclusion**

The proposal has been considered against the Development Plan namely policies, LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement, LP3: Level and Distribution of Growth, LP9: Health and Wellbeing, LP10: Meeting Accommodation Needs, LP11: Affordable Housing, LP12: Infrastructure to Support Growth, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP26: Design and Amenity, LP38: Protecting Gainsborough's Setting and Character, LP40: Gainsborough Riverside and LP50: Residential Allocations – Main Towns in the Central Lincolnshire Local Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance.

Due to viability the application does not propose to provide any infrastructure contributions. The site is in the zero charging area for CIL and a housing zone and as such it is recognised that viability is compromised.

Whilst no infrastructure contributions are to be made contrary to policy LP12, on balance the proposal would provide a high level of affordable housing to help meet an identified need.

The proposal would not have a detrimental impact on the character of the area, residential amenity, highways and does not conflict with neighbouring land uses.

The proposal is deemed acceptable subject to the following conditions –

### **Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

### **Conditions which apply or require matters to be agreed before the development commenced:**

2. Prior to commencement a checking survey for otters shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with any recommendations of the approved report.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with policy LP21 of the Central Lincolnshire Local Plan.

**3.** No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the development is delivered in a structured way.

**4.** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction
- viii. The means of access and routing for demolition and construction traffic.
- ix: piling and construction

**Reason:** In the interests of amenity and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

**Conditions which apply or are to be observed during the course of the development:**

**5.** The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to **7 litres per second**;

- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

**Reason:** To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

**6.** With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the details shown on the approved plans:

3024.03.100  
3024.03.101B  
3024.03.102A  
3024.03.110  
3024.03.111  
3024.03.120A  
3024.03.121A  
3024.03.122  
3024.03.123  
3024.03.124  
3024.03.125  
3024.03.126B  
3024.03.130B  
3024.03.131A  
3024.03.132A  
3024.03.133A  
3024.03.135B  
3024.03.136A  
3024.03.140  
3024.03.141  
3024.03.145  
3024.03.150  
3024.03.151  
3024.03.155  
3024.03.160  
3024.03.161  
3024.03.165  
3024.03.166  
3024.03.170

and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans.

7. The development shall be carried out in strict accordance with the recommendations in the additional ecological surveys dated October 2018 by Smeeden Foreman.

**Reason:** To safeguard wildlife in the interests of nature conservation in accordance with policy LP21 of the Central Lincolnshire Local Plan.

8. Unless otherwise agreed in writing with the Local Planning Authority the affordable housing shall comprise of 36 affordable, 12 shared ownership, an 8 bedroom, wheelchair accessible supported living bungalow and 60 apartments split equally between two apartments blocks of shared ownership and affordable housing. Prior to occupation of these units, details of how the units will be secured and nomination agreement or similar shall be submitted to and approved in writing by the Local Planning Authority. Should an alternative scheme for affordable housing be put forward then a scheme for the provision of this affordable housing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following –

- Statement justifying tenures proposed linking back to the Strategic Housing Market Assessment and Local Housing Needs Assessment work produced by West Lindsey District Council. The statement should also include how they have liaised with West Lindsey Strategic Housing Team and how this has informed tenure and splits proposed.
- Type of housing, number of bedrooms, sizes of the units and any other features;
- Marked up drawings detailing the plot numbers, housing types and sizes;
- Details of how the units will be secured including a nomination agreement or similar.

The affordable housing shall be retained in accordance with the approved scheme.

**Reason:** In order to meet a specific housing need within the district in accordance with policy LP11 of the Central Lincolnshire Local Plan.

9. Demolition and/or Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays; and between 08:00 and 13:00 on Saturdays, with no demolition and/or construction works on Sundays and Bank Holidays unless specifically agreed in writing by the local planning authority beforehand.

**Reason:** To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to accord with policy LP26 of the Central Lincolnshire Local Plan.

**10.** Prior to occupation, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling shall

be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

**Reason:** To ensure that a landscaping scheme to enhance the development is provided in accordance with policy LP17 of the Central Lincolnshire Local Plan.

**11.** Prior to occupation a schedule of landscape maintenance for a minimum period of five years from the completion of the development of that phase has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation and the development shall be carried out in accordance with the approved details.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with LP17 of the Central Lincolnshire Local Plan.

**12.** No development, other than to foundations level, shall take place until the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods and type of pointing to be used.

**Reason:** To ensure the use of appropriate materials to safeguard the character and appearance of the street scene in accordance with the NPPF and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

**13.** Prior to occupation, details of the design, specification, position and height of all external lighting for the apartments have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To protect the surrounding area to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan.

**14.** Development shall be carried out in full accordance of the remediation strategy detailed in the Combined Stage 1/Stage 2 Geo-Environmental Report AC1/01rem1.

**Reason:** In order to safeguard human health and the water environment in accordance with policy LP26 of the Central Lincolnshire Local Plan.

**15.** Prior to occupation, details of the design, specification, position and height of any external lighting for the apartments have been submitted to and

approved in writing by the Local Planning Authority. The lighting shall be carried out in accordance with the approved details.

**Reason:** To protect the surrounding area to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan.

**16.** The permitted development shall not be occupied until a Travel Plan is submitted to and improved in writing by the Local Planning Authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied and those implemented following occupation shall be retained thereafter.

**Reason:** In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

**17.** Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

**18.** All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.



**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

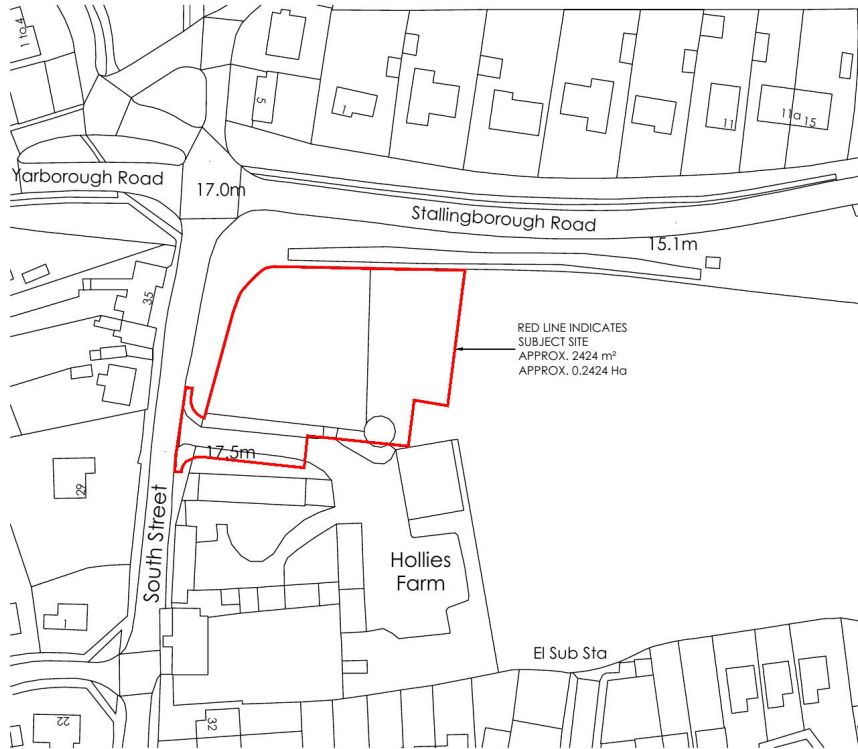
**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

# Agenda Item 6c

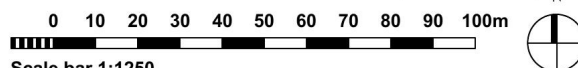
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## PLANNING ISSUE

### Site Location Plan (scale 1:1250)



Scale bar 1:1250.

A		PLANNING ISSUE	20.09.19	SW
Rev	Revision note	Date	Drawn by	
	PROPOSED DEVELOPMENT AT SOUTH STREET, KEELBY FOR LINCOLNSHIRE CO-OPERATIVE			
	Drawn by SW	Checked	Date SEPT 18	Scale 1:1250@A4
	SITE LOCATION PLAN	Dwg No J1830 - 00101	Rev A	

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## **Officers Report**

### **Planning Application No: 140132**

**PROPOSAL:** Planning application for the erection of a new single storey retail unit, including associated hard and soft landscaping within the site boundary.

**LOCATION:** Land off Stallingborough Road, Keelby, DN41 8JA

**WARD:** Caistor and Yarborough

**WARD MEMBER(S):** Cllr O C Bierley and Cllr A T Lawrence

**APPLICANT NAME:** Lincolnshire Cooperative Ltd

**TARGET DECISION DATE:** 05/12/2019 (Extended until 10<sup>th</sup> January 2020)

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Jonathan Cadd

**RECOMMENDED DECISION:** Grant subject to conditions

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This application is presented to the planning committee as it seeks permission for development that would be contrary to the policies of the Central Lincolnshire Local Plan by reason of its retail use on a site allocated predominately for residential development under policy LP52.

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#### **Description:**

The application site is located to the north eastern edge of the village of Keelby (a "large village" under policy LP2) at the junction of South Street and Stallingborough Road. The site has an area of 0.24ha and is currently agricultural grazing land although the southern section of the site forms part of Hollies Farm Yard with what appears to be a grain silo located upon it along with the main vehicle access to the farm yard. A number of farm implements and machinery is also being stored here. This access is currently open to the application site. The main street frontage to the site is currently bounded by a mature field hedge to both the north and west with a verge to the highway. Ground levels are generally flat although in reality fall slightly to the east.

The verge to the site frontage is designated as important open space (LP23) and the actual site is designed as a housing site, policy LP52 ref CL1307, within the Central Lincolnshire Local Plan.

To the north of the site is Stallingborough Road the main link from the A18 to the B1210. Beyond the road, approx. 30m to the north, are residential properties facing the site. To the east of the site are agricultural fields (subject of outline planning application ref. 140099 for up to 80 dwellings with access under consideration). To the south is Hollies Farm Yard, currently an operational farm yard with brick built barns and open ranges of single and two storey height. This site is the subject of an outline application, ref. 140100 for a medical centre with associated car parking. This would share the access with the convenience store under consideration. To the west of the site is

South Street with residential dwellings opposite approximately 15m from the site boundary.

This full application seeks permission for a class A1 retail store with associated access, 25 car parking spaces, servicing yard and landscaping. The store would be a single storey building positioned to the northern section of the site some 345sq.m in area (250 sq. m net retail area). Constructed of brick with a glazed entrance to the western side the building would have a pitched roof (gable to the west) completed with clay pantiles. The building would be 6.9m to ridge, 3.4m to eaves.

Access would be from South Street via a 5.5m wide carriageway with paving either side of the road. Parking would be to the south and west of the store with the walled service yard to the south eastern corner of the site.

### **Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017:**

The development is not of a scale or located within a sensitive area which would require assessment under an Environmental Impact Assessment.

#### **Relevant history:**

This is one of three concurrent applications seeking planning permission, with an application for residential development to the east, and a medical centre to the south, also under consideration as detailed below:

**140100 Outline planning application for a medical centre with associated parking and demolition of existing farm buildings - access to be considered and not reserved for subsequent applications. Application under consideration (7<sup>th</sup> February 2020)**

**140099 Outline planning application for the erection of up to 80no. dwellings - access to be considered and not reserved for subsequent applications. Application under consideration (target date 7<sup>th</sup> February 2020)**

**126111 Planning application for a development of 90 dwellings Granted 26 Jan 2011**

**127627 Confirmation that conditions 4, 5, 6, 7 and 9 attached to planning permission 126111 have been complied with. Conditions discharged 9 Dec 2012**

**130663 Confirmation that conditions 2, 3, 8, 9, 10 and 11 attached to planning permission 126111 have been complied with. Conditions discharged 25 Apr 2014**

**Representations:**

*Keelby Parish Council:* (In summary) The Council are in general supportive of the application but has a number of concerns mainly surrounding the proposed access to South Street.

South Street is narrow in places particularly due to parked cars on the road outside houses creating in effect a one car width carriageway. Vehicles waiting to turn from Yarborough Road onto South Street have to wait for vehicles leaving South Street to pass. Some also have to reverse back onto the main road. With large delivery vehicles this is a greater concern.

Lack of footpaths on both sides of the road is a concern especially given the narrowness of the carriageway.

The opposite end of South Street is also a concern close to the village hall as this is also narrow and has on street car parking. At this junction it is a blind corner and requests for parking restrictions have been turned down previously so proposed double yellow lines proposed here or on South Street are unlikely.

The council acknowledge that with the surgery and shop, there will be increased traffic on South Street, which cannot be avoided. Under this plan, 100% of the traffic will use South Street. The Council believe that a more sensible approach would be to access the shop and surgery from the Stallingborough Road entrance to the development. This entrance provides better vision from every direction, does not create car parking issues and with the traffic calming measures suggested (mini roundabout if possible) this would be a lot safer.

Some concerns also raised with respect as to whom will maintain common areas.

*Local residents:* Objection: 2 Dixon Close & 31 South Street, Support: 17 The Paddocks

Objections in summary:

Due to South Street being at link road between A18 and Stallingborough Road it is busy traffic wise. It is also narrow so that stagecoach buses have hit cars parking on side of road. Many houses on South Street are old and do not have driveways so people have to park on roads. With the second phase of the housing estate 140099 coming from Eastfield Road this will have significant traffic implications. The access should be from Stallingborough Road where there are clear views of traffic in either direction. This will be worsened by the proposed medical practise also served from the same access point.

Traffic will use Yarborough Road from A18 leading to further speeding. This road is close to children's play area and has a natural pinch point at church making matters worse. Too much speeding and without traffic calming this will be made worse and an accident will occur.

No need for additional store already a Spar and Go Local and would have a detrimental impact on these stores. Also good access to supermarket in nearby Immingham

Support (in summary)

Current location of shops in Keelby lack safe and suitable parking. Post office poorly located too.

*LCC (Highways) Final Comments: 16 Dec 2019*

Requests any permission granted would be subject to following conditions:

- The development hereby permitted shall not be occupied before a 2 metre wide footway along the site frontage to connect the development to the existing footway network on the South Street/ Stallingborough Road junction, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway and tactile crossing points on South Street and Stallingborough Road.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

- No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include;
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - wheel washing facilities and;
  - strategy stating how surface water run off on and from the development will be managed during construction, including drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

Interim Response (140099, 140100 and 140132) 7<sup>th</sup> November 2019.

#### Drainage

- It has been recognised that infiltration is not suitable for the residential development however it is proposed as means of surface water discharge for the medical practice and convenience store?
- The Drainage Strategy notes that detailed design will accompany a formalised layout proposal for the residential development, however I thought I best note at this stage that we will not accept cellular storage under adoptable permeable paving and consideration should be given to other source control SuDS features.
- The comments made by Witham First IDB are seconded by LCC.

#### Highways

- The access to the medical centre and convenience store must be completed to a satisfactory standard prior to either building coming into operation.
- Could a delivery and servicing plan please be submitted for the convenience store as I have concerns regarding the layout.
- A footway will be required between the boundary of Hollies Farm/ Medical Centre and the proposed access on Stallingborough Road, including appropriate crossing facilities to the existing footway network.
- Bus stop infrastructure will be required on the east and west side of South Street near the access to the medical centre and convenience store.
- I have attached the comments on the Travel Plan.
- Although I note that layout is not for consideration for the residential development, I would like to make the following comments;
- Maximum permeability throughout the site and to the surrounding estate should be sought, which includes providing a vehicular link through from the extension of Eastfield Road to the spine road of the development;
- Private drives could be provided along the frontage of Stallingborough Road if desired.

#### Travel Plan

- The travel plan for 80 dwellings has been submitted to support the above planning application. It is noted that the site is also likely to accommodate a convenience store and medical practice both of which could have an impact on car use in the area. Ideally there should be a Framework Travel Plan that covers the site. Overall the travel plan as submitted contains the relevant information that would be expected in a

residential travel plan in an appropriate level of detail. However, there are some areas where additional detail or clarity is required or missing

*Natural England:* No objection

*Bat Group:* Endorse findings of report

*Environment Agency:* Does not wish to make comments

*Archaeology:* (In summary) The proposed development lies within the extent of the historic village of Keelby, a polyfocal settlement of medieval origins. This site lies in the angle of two of the principal streets and close to the one of the village's manorial settlement cores at North End, and is thus in an area where medieval settlement and activity might be expected.

Request that conditions require appropriate archaeological assessment before works commence, including the requirement for assets to be recorded before their destruction. Initially this is anticipated to involve the monitoring of all ground works, with the ability to stop and record archaeological features.

*Environmental Protection:* Noise

I note potential difficulties around noise (and contamination) assessments in view of the three separate applications 140099 (80 houses) 140100 (Medical Practice) 140132 (Retail unit) but in reality there ought to be a holistic view of potential impact which in turn has potential for significant differential depending on source and nearest noise sensitivity receptor (NSR); indeed upon each other.

As regards 140132, the 'Coop' the indicative Plant and Machinery Noise Impact Assessment it is insufficient to determine overall impact of the proposed facility. A noise assessment of vehicular movement and use, including deliveries is needed. Expectation over extended periods of the day and week is that on and offsite traffic behaviour will be changed and increased and overall impact on NSR's ought to be quantified and mitigated as and if necessary.

Contamination

Applicant documents would appear to include a Geotechnical Site Investigation, potential for contamination has not as such been assessed outside of the potential for Radon Gas and ought in any event to be subject of an appropriate condition in view of proximity to the farm and historical mapping indicating built features.

Updates response specific to 140132 (12<sup>th</sup> December 2019). In summary the comments are as follows:

The servicing plan is questioned as it does not appear to be accredited to a corporate or policy adviser.



The company cannot require that white noise or banksman be used in place of audible reversing beepers utilised by suppliers. What is the evidence that such features can be disabled/ or that white noise reversing warnings are utilised? In any event the timings, frequency and supplier listings, however, are not unreasonable but waste servicing can operate at unsociable hours which is not included within the details. Should waste disposal be included within the same time frame as the rest of the servicing vehicles I have no reason to believe noise cannot be adequately mitigated.

The details of the noise from plant needs to be conditioned for further analysis.

The overall volume traffic from the store, medical centre and housing will increase background noise in the area.

*Conservation officer:* - the current proposal is far too bulky in terms of its roof, and I strongly advise revisions to break down the mass. A much more ideal roof structure would be to have a double roof with a more traditional pitch for pantiles. The Coop at Wragby is a good example and appears to be a similar size of store, so we know this is readily achieved and how much more appropriate this would be in a rural setting, compared to the poorly disguised portal frame structure currently proposed. I would also suggest the gable frontage is staggered as per Wragby store, to allow for a trolley store area. A pair of hipped roofs on the non-entrance end would be a suitable design solution as seen on approach to the village. The proposed entrance into site is fine provided that a green space of about 3 metres is left besides the farm building, and that the entrance into the car park is screened with post and rail fence and some hedge / tree planting. This new store development needs to recognise and respond to its very rural context to be acceptable in terms of LP26.

### **Relevant Planning Policies:**

#### Central Lincolnshire Local Plan (adopted April 2017)

##### Relevant policies include:

- LP1: A presumption in favour of sustainable development
- LP2: The spatial strategy and settlement hierarchy
- LP3: Level and distribution of growth
- LP6: Retail and town centres in Central Lincolnshire
- LP12: Infrastructure to support growth
- LP13: Accessibility and transport
- LP14: Managing water resources and flood risk
- LP16: Development on land affected by contamination
- LP21: Biodiversity and geodiversity
- LP23: Local green space and other important open space
- LP25: Historic environment

LP26: Design and amenity  
LP52: Residential allocations – large villages

## **Keelby Neighbourhood Plan**

The parish of Keelby has achieved Neighbourhood Designation Area status on the 9<sup>th</sup> December 2016 and is currently constructing a draft. At this stage, no plan has been formally published, no formal public consultations have been undertaken and as a result the plan carries no weight in this application assessment.

### National guidance

National Planning Policy Framework (Feb 2019)  
National Planning Practise Guidance Notes (NPPG)

Paragraph 212 of the National Planning Policy Framework indicates it will be a material consideration in dealing with applications from the day it is published and that plans may need to be revised in light of the Framework. Paragraph 213 of the NPPF, however, further notes that existing policies in a plan should not be considered out of date simply because they were adopted prior to the publication of the NPPF. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework the greater the weight that may be given).

Policy LP2 and LP52 support sustainable development, including identifying readily available housing sites, in accordance with paragraphs 11, 67, 73 and 92 of the NPPF. In a similar manner policy LP6 of the CLLP accords with guidance within paragraphs 88 – 90 & 92 of the NPPF. Paragraphs 102 - 104 and 109 of the NPPF accords with the policy LP13 in terms of highway impact and car parking standards. LP17 and LP26 accords with the NPPF's push to well-designed places particularly paragraphs 124 – 130. Policy LP21 accords with advice within paragraph 175 of the NPPF. Paragraph 99 -100 accords with the provisions of policy LP23 of the Local Plan. Although the weight of a development's impact on non-designated assets has altered within the NPPF paragraph 197, policy LP25 remains sufficiently flexible to change accommodate this change. In this instance therefore it is considered that the policies of the Central Lincolnshire Local Plan should be given full weight in determining this planning application.

### **Main issues**

- Principle of a retail use in this location (*LP2, LP6 & LP52*)
- Design, character and this historic environment (*LP17, LP25 & LP26*)
- Access & Parking (*LP13 & LP26*)
- Noise and residential amenity (*LP26*)
- Drainage (*LP14*)

### **Assessment:**

- Principle of a retail use in this location (*LP2, LP6 & LP52*)

Policy LP2 provides guidance for the development of Keelby and states that to maintain and enhance its role as a large village which provides housing, employment, retail, key services and facilities for the local area it will be the focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated within the local plan, or appropriate infill, intensification or renewal within the existing developed footprint. The policy therefore supports appropriate levels of retail growth in Keelby and the site is allocated for development, albeit for housing, within the CLLP.

The site is located within the larger (3.33 ha) residential allocation CL1307 of policy LP52 of the CLLP. The policy states that such sites: are allocated primarily for residential use. The application site is within the north western corner of the allocation and has an area of 0.24ha or 4% of the designation. The remaining area of the allocated site is available for housing and indeed parallel application 140099 seeks outline consent for up to 80 dwellings and which will be determined in due course. As such the allocation remains primarily focused upon residential development and approval of this development would not undermine or be contrary to policy LP52 in principle, however as a full application the development is likely to proceed independently of any residential development.

The application proposal, considered in isolation, is therefore a departure from policy LP52. It therefore needs to be considered independently from any residential development on the remainder of the allocation, although it is a material consideration that this land has benefitted from planning permission (126111) and is currently subject to an application (140099).

Policy LP6 provides specific guidance to improve the vitality and viability of retail centres guiding investment within a hierarchy of five levels of retail centre. Of the five centres established by policy LP6 rural settlements is the lowest centre identified and serve the local population which may include local health and leisure services. The level of development within these rural settlements follows the settlement hierarchy established by policy LP2 but is also quantified by para.3.6.3 which states that 'villages have local shops and facilities which play an important role in meeting community needs and in reducing the need for travel to more distant facilities'.

The store proposed seeks consent for a 345 sq.m (250sq.m net retail area, 95sq.m store and non-retail area). The applicant, Coop Lincolnshire Ltd, seeks a local retail store for general convenience top up shopping rather than a destination store. Such a development is consistent with the scale of Keelby and is deemed to accord with this section of policy LP6.

Policy LP6 also links to the NPPF chapter 7 (Ensuring the vitality of town centres) in that it seeks town centre use planning applications (including retail) to undertake a sequential test of available sites within town centres first before considering edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period should

out of centre locations be considered. Para. 88 of the NPPF however states that the sequential test should not be applied to applications for small rural offices or other small scale development.

Keelby does not have a defined village centre within the CLLP, although a small number of community and retail facilities, including: the Spar (incorporating the post office) and Go Local store which are located around St Martins Place, St Bartholomew's and King Street, but other community facilities are located within a wider area. This central area of Keelby is, however, quite constrained with narrow roads and no realistic parking possible. The applicant has undertaken a sequential analysis of available sites/properties for sales and has concluded that no such sites are available. The constrained nature of this area of the village is noted and the conclusions of the sequential test accepted. Equally, it could be argued, in line with para. 88 of the NPPF that such an assessment for a small scale retail use should not be required in any case.

The Department for Transport's (DfT) document entitled 'Manual for Streets' (2007) section 4.4 sets out the requirements for pedestrians stating:- "Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot". It also states, however at para 6.3.1, that a 20 minute walk time (equivalent to a 1.6km walk distance) is acceptable subject to an attractive walking environment.

The Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' sets out acceptable maximum walk distances of, 2km for Commuting and school journeys, 800m for town centres, and 1.2km for elsewhere.

In this instance although the site is to the edge of Keelby an 800m (10 minute walk) would cover the vast majority of the village with only the southern extreme beyond Riby Road being slightly beyond this sustainability indicator. It is considered therefore that the site should be considered suitable and sustainable. Equally, it would also allow those whom need to utilise a motor vehicle good access and parking with 25 spaces proposed.

Concerns have been raised by some consultees with respect to the impact this proposal would have on existing retail businesses within the village centre. Impact on individual firms from competition is not usually a material planning consideration. Vitality and viability of existing centres is, however, a key consideration for both the NPPF and CLLP through policy LP6. Policy LP6 therefore requires a robust assessment of the impact an edge of centre or out of centre retail use would have on the trade. It includes thresholds of scale and distance for each level of centre hierarchy to assess such an impact: *'a. within 1km of Lincoln primary shopping area and is greater than 2,500m<sup>2</sup>; or*  
*b. within 500m of the boundary of a District Centre and is greater than 300m<sup>2</sup> gross;*

- c. within 500m of the boundary of a Local Centre and is greater than 200m<sup>2</sup> gross; or*
- d. in any other location not covered by a-c above and is greater than 500m<sup>2</sup>.'*

Keelby falls into category d. any other location but the retail unit proposed is only 345 sq.m in total and (net retail area 250 sq.m and as such is not required to be assessed in terms of retail impact upon existing uses. This concurs with advice within the NPPF para. 89.

It is considered therefore that the proposal would meet the requirements of both the development plan (LP2, LP6 and LP52) and national guidance (NPPF para 90) and as such permission in principle should not be withheld.

- Design, character and this historic environment (*LP17, LP25 & LP26*)

In accordance with the provisions of the NPPF (chapter 16), policy LP25 of the CLLP states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. The policy further states that unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF permission will only be granted for development affecting designated or non-designated heritage asset where the impact of the proposal(s) does not harm the significance of the asset and/or its setting.

The applicant has submitted a heritage impact assessment for the site with this proposal. It notes the site is located on the edge of Keelby and is not within an area formally designated for its historic importance. The site, however, is known to be within the area of the medieval extent of the polyfocal village of Keelby. As it is located within the angle of two principal streets close to one of the manorial settlement cores at North End it is likely that some medieval activity will be evident. Previous investigations in 2001 identified an area of trenching and mounding to the east of the current application site which may or may not be of medieval origin. These ground works are of mixed quality. And will be examined more closely within application 140099, but it is suffice to state that the application site, was deemed of less importance previously when development was approved on the site (126111).

Policy LP25 also states that development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, here possible enhance its significance.

The development would not physically impact these specified areas of archaeological importance and the wider site to the east which has been the subject of trial trenching in the past. The proposed store would, however, be within the setting of both the archaeological ground works but the site has already been the subject of a planning approval for housing (ref no. 126111) which would have impacted upon the setting of these areas and destroy any potential archaeology on the current application site. In both the previous approval and indeed current advice, it is considered that existing residential

development to the south of the wider allocated housing site has detracted from the setting of these assets reducing their significance. It is considered that the benefits of the scheme, coupled with the planning history of the site out-weighs any harm to the setting of archaeological site. Similarly, the trial trenching to the area undertaken previously underlines that it is less likely that works would significantly impact on archaeology in the area ensuring that the benefits of the scheme would be sufficient to overcome heritage concerns. This position is strengthened by the consultation response of LCC archaeology which requires a condition for a scheme of visual assessment during construction works by archaeologists, with the ability to, initially, stop and record finds, which would be sufficient to ensure that any features of interest can be recorded and if necessary to be removed and to accord with advice within both LP25 and the NPPF para. 199.

The site is also next to a traditional farm (Hollies Farm) of 19<sup>th</sup> century brick barns and open ranges which can be found within the Lincolnshire HER ref no. MLI116739. These features are mostly in good condition although some have been the subject of two 20<sup>th</sup> century alterations whilst others are in poorer condition.

Paragraph 197 of the NPPF states: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

As with the archaeology, the application site has already been the subject of a planning approval albeit for high quality housing (126111) detracting from the rural setting of the barns. This proposal, however, seeks through its layout and design to replicate, in part, a more traditional rural building. The store would be set perpendicular to South Street and parallel to Stallingborough Road which can be seen in the yard layout of Hollies Farm. Equally the design is quite traditional in that it would be a brick building with a pitched clay pantile roof with a gable to one end and a hip to the other. Single storey in design, albeit quite large the development would nonetheless appear similar to agricultural structure with timber panelling, vent brick details and an exposed inverted steel truss to create an porch area.

It is noted that the conservation officer has requested that the roof design of the store is altered to create a dual roof to provide a more traditional approach. The applicant has declined to implement such a change but has reduced the scale of the roof by lowering both the eaves and ridge height of the proposed building.

It is considered that such a design would whilst representing a significant change from the current rural character of the site area would not wholly detract from the setting of the Hollies Farm and include some marrying features to bind the two together. It is considered therefore that as such the proposal would accord within policy LP25 in that the benefits of a sustainably

located retail store, in an attractive rural design would outweigh any harm such a development would have on the traditional non designated farmyard. Such a stance accords with paragraph 197 of the NPPF.

As noted above the site as part of a wider area is allocated within the Central Lincolnshire Local Plan for (primarily residential) development, policy LP52, and as such would change from its current open rural character to one of a more urban appearance. The site has already been granted permission, again with the larger eastern field for 90 houses. Policy LP17 of the CLLP nonetheless requires development to protect and enhance the intrinsic qualities of the landscape and townscapes including the setting of settlements. This includes the maintaining and positive response of to any natural or man-made features within the landscape and townscape which positively contribute to the character of the area. Such aims are supported further by policy LP26 which also seeks to maximise pedestrian permeability, respect of topography, incorporation of natural and historic features such as hedgerows, trees, field patterns and buildings, reflection in designs of the original architectural style of the settlement including a sympathetic pallet of materials to reinforce or enhance local distinctiveness.

As has been stated the building seeks to replicate a traditional agricultural building in its positioning, scale and appearance. Its position to the corner is clearly a design to maximise retail appeal but also provides a stronger corner feature to the site when travelling east along Stallingborough Road. Although blander the northern elevation nonetheless provides a traditional approach with additional brick detailing with recessed panels, brick verge detailing along with irregular wooden cladding to replicate traditional doors and window closures.

Similarly, the mature field hedge to northern boundary would be retained for approximately 30m in length with a three bar wooden fencing proposed to the front of the store aiding visibility and access from the site entrance. Landscaping is proposed to the front of the store including a number of trees although this has not been detail and should be conditioned. A service yard is proposed to the south of the store and this would be surrounded by a 2m high wall. Notwithstanding the palisade gates shown it is proposed to replace these with more acceptable designs.

Consideration should also be given to the development proceeding in isolation. It is a full application rather than in outline unlike the wider housing and medical centre development and it may well come forward before any residential development commences. Even in this form the development would not appear out of keeping with the wider area and from most views appear as an agricultural designed building. This together with the retention of hedging would maintain the character of the area.

In overall terms therefore it is considered that the proposal would maintain the character and appearance of the area, particularly when the wider allocation is taken into account. The proposal is therefore considered in accordance with policies LP17, LP25 and LP26 of the CLLP.

- Access & Parking (LP13 & LP26)

The site access is proposed to South Street and would potentially be shared with the proposed medical centre (subject of application 140100) if that were to be permitted. The access would be 5.5m wide with a 2m wide footpath either side of the access.

Original concerns were raised with respect to the acceptability of the site design for servicing. The submitted swept path designs for a rigid lorry, however, indicate that this can be acceptably achieved with vehicles arriving and leaving in a forward gear from/ to South Street. The Local Highways Authority has now withdrawn its initial concern on these grounds.

The highway concerns of residents and the Parish Council are noted and have been considered. The Highway Authority has also been asked to consider the points raised. Whilst there would be some benefits to re-orientating the access to Stallingborough Road this is unlikely to change the routing of traffic from within the village to the site and would simply substitute one impact for another. As it stands, it is likely that those most likely to benefit from the access location changing, i.e. those houses opposite on South Street would still experience a similar increase in traffic only without vehicles turning in to the entrance. This would perhaps be replaced with vehicles waiting to cross the junction with Stallingborough Road and South Street.

The access design proposed is suitable for South Street and would allow two vehicles to pass each other in a safe manner with good visibility of traffic passing the site along the carriageway suitable for a 30mph road. South Street at this point is a 6.5m metre wide road which is sufficient to accommodate such traffic. It is recognised that it is possible that parking restrictions could be necessary at the proposed South Street junction to ensure on street parking in this area does not create issues. This, however, is not a planning issue and the Highway Authority has not requested such a limitation.

The transport assessment submitted considers the level of traffic generated by the proposal retail unit but also the combined impacts of the store with the proposed medical centre and housing estate. There has also been an assessment of existing traffic flows on the surrounding network. The store itself would be expected to generate 60 two way vehicular trips in the week day morning peak (08:00 – 09:00) and 82 two way trips in the evening peak hours.

The assessment completed shows that with all three developments (140099, 140100 and 140132) the network would operate well within capacity including the junctions of South Street/Yarborough Road/Stallingborough Road and North End and Eastfield Road/ South Street. Similarly, there have only been two accidents within the surrounding area, albeit one serious on Eastfield Road in the last 5 years which was attributed to driver error rather than any defect in the carriageway. It is considered therefore that the highway network is and would remain safe with this proposal either singly or in combination



with the houses and medical centre developments. It should also be noted that the site forms part of the wider residential allocation CL1307, policy LP52, with an indicative allocation of 90 dwellings. The surrounding highway network has therefore been assessed at that time and had been deemed suitable to accommodate such flows, and as a result this proposal together with the medical centre and an 80 unit residential estate is not expected to add unacceptable traffic numbers to the area. Similarly, the design of the current road network and junctions would operate within capacity. In addition, the Highway Authority has not raised concerns with respect to the acceptability of South Street nor indeed the wider area to accommodate the traffic generated by this proposal either alone or in combination with the housing scheme and/or medical centre. The proposal would therefore accord with policy LP13 of the CLLP consistent with NPPF paragraph 109.

Similarly, it is noted within the servicing plans that the deliveries to the store would occur on most days the largest of which would be a 27 tonne rigid HGV which would visit the site. Suppliers utilising HGVs could attend the site in close succession with a maximum of 4 being in attendance in a morning and 5 over anyone day. Similarly smaller vans would also attend at lesser frequencies. The likelihood of such deliveries coinciding are limited due to the planned nature of the operation of the store and staff utilisation. Deliveries would be limited to between the hours of 7am – 7pm Monday to Sunday.

#### Servicing Schedule

Supplier	Frequency	Schedule	Time	Vehicle size
Co-operative Retail Logistics - Fresh & Frozen	5 days	Sun - Sat	AM	27t rigid HGV
Co-operative Retail Logistics - Ambient	3 days	Sun - Sat	PM	27t rigid HGV
Gadsby's Bakery	6 days	Mon - Sat	AM	3.5t van
Warburton's	6 days	Sun - Sat	AM	20t HGV
Allied Bakeries	6 days	Sun - Sat	AM	20t HGV
Greencore	6 days	Sun - Sat	7am-7pm	Small van
Ideal Lincs	3 days	M-W-F or Tu-Th-Sa	7am-7pm	Small van
Newspapers	7 days	Sun - Sat	AM	Small van
Ashton Marketing Services	Fortnightly	Mon - Fri	7am-7pm	Small van
Hallmark Cards	Fortnightly	Mon - Fri	7am-7pm	Small van
Universal	Weekly	Mon - Fri	7am-7pm	Small van

The Central Lincolnshire Local Plan, policy LP13, does not prescribe car parking standards for car parking. The proposal includes 25 car parking spaces of which 2 would be disabled driver standards. Whilst no justification has been provided, the applicant, Lincolnshire Coop has significant experience of local convenience retailing and a slightly lesser number of spaces (no. 20) was proposed for the recently approved store at Sturton by Stow (ref. no. 138024) with a slightly larger footprint 404 sq. m. (net 280sq.m.

retail area). It is considered that provision of 25 spaces would be sufficient to meet demand therefore.

Conditions are requested, however, to improve the footpath network in the immediate area of the store to link with the wider network. Similar considerations will also be given to the proposed housing estate and medical centre to ensure full connection with the store and surrounding area. Whilst in this application the footpath would be located upon the verge, designated as important open space within the CLLP policy LP23, the retention of the field hedge would retain the character of the street and maintaining safety in this instance is deemed important. In this instance therefore the proposal is deemed to accord with policy LP23 and LP13 of the CLLP.

It is considered therefore, whilst, accepting that this proposal alone, and in combination with the residential and medical proposals, would increase traffic on the immediate and wider highway network of Keelby it would be acceptable and would not represent a severe impact as defined bar for resisting development within policy LP13 and the NPPF (paragraphs 102 -104 and 109).

- Residential amenity & noise (LP26)

The positioning of the store is such that the building is sufficient distance from adjoining properties (a minimum of 35m) to not have a detrimental impact on light, sunlight and outlook from these properties. Similarly as the proposed store would be single storey only, properties would not be over looked. Some overlooking would be experienced from the car park but the majority of the properties opposite the site currently face onto a public highway in any case and the car park would be a minimum of 15m away from these properties maintaining an acceptable level of amenity.

The access to the site, would opposite 29/31 South Street but vehicles leaving the site would not be positioned directly opposite the actual houses limited any impacts of light pollution from head lights. It is recognised that the car park could, however, lead to headlights being directed into houses and as a result alterations have been successfully negotiated to retaining a substantial length of hedging at South Street frontage to mitigate this. Although this is would not be for the full length of the frontage, it nevertheless is a significant enhancement.

Traffic noise would increase within the area due to traffic generated by the proposal. In any assessment of the likely impacts consideration must be given to the residential allocation which anticipate 90 dwellings would be accommodated on the wider site. It is likely that additional noise and nuisance generated by the traffic from the store would not be significantly above that experienced if the allocated housing site were to be constructed in this location, on a general basis, although it must be noted that the store would open until 10pm in the evening, this is not deemed unreasonable. It must also be borne in mind that Keelby is a large village where levels of noise and

activity has to be expected particularly at properties adjoining public highways.

What is, however, a consideration is the servicing of the store. As is noted above this would occur any time between 7am and 7pm seven days a week. The servicing area is located to the rear of the store furthest away from existing residential dwellings and is surrounded by a brick wall. The servicing plan of the store indicates that vehicles will be requested to turn off their tonal reversing alarms with broadband versions utilised or banksman. Similarly, vehicles carrying chilled or frozen products refrigeration units shall be turned off whilst vehicles are parked on site. Subject to the hours of servicing and servicing plan being conditioned it is not anticipated that the proposal would have a significant impact on the surrounding area.

Similarly details provided with respect to extraction and refrigeration units are located within the servicing area and surrounded by the wall of the store reducing any impact. Subject to conditions requiring acoustic insulation of such equipment to be installed this is not anticipated to be a significant impact on the surrounding area.

- Drainage (LP14)

The site is located within an Environment Agency flood zone 1 (low probability) and surface water is not known to be an issue on the application site. Site investigations, including intrusive testing have shown that the site is suitable for infiltration and as a result a system of soakaways in the form of three filled trenches with perforated piles are proposed. The Lead Local Flood Authority has not objected to this proposal and subject to conditions has deemed this acceptable.

In addition to this, Anglian Water has indicated that foul drainage from the site can be adequately accommodated and indeed a main foul drain runs through the site. Advice notes for constriction are therefore required. The proposal is therefore deemed top accord with policy LP14 of the CLLP.

#### *Other matters*

Ecology and landscaping: The site is generally grazing land and the submitted phase 1 ecology survey indicates that in general the site is of limited ecological importance with the hedgerows to the site boundaries being of most importance. Adjoining areas including the farm buildings and the wider housing site to the east includes buildings or features that could have more interest but with the exception of bats is unlikely to require further work and would not have a significant impact on the current proposal. This includes Great Crested Newts which have not be recorded within the area since 1995 and this sighting was found 1.8km away. The shallow wet flush (a shallow dip of a maximum of 300mm) which is generally wet but could dry out on an annual basis is situated within the wider housing site and is assessed as being of poor suitability for breeding great crested newts. Therefore only precautionary measures are proposed.

As a result of the ecology survey and through negotiations with the applicant a substantial length of hedge to the South Street frontage is now to be retained albeit with gaps for the vehicles and pedestrian entrances to the site. In addition to this, native species of trees are recommended on the site to assist to increase biodiversity on site.

With respect to landscaping a positive scheme has been proposed although, it further detail is required for the type of tree requested.

### Conclusion and planning balance

The proposed retail store is a full application submitted by Coop Lincolnshire Ltd and is located on an allocated housing site CL1307, alongside the outline application for housing and the medical centre submitted by the landowner on the surrounding site. It is therefore likely, subject to the grant of planning permission, to proceed with or without the housing/ medical schemes either in the short term or potentially longer term. Alone therefore the application would not accord with policy LP52 which seeks 'predominately residential development' on this site as it is not actually linked to the residential proposal, and need to be considered independently.

The development, however, would only take up a small section of the allocated housing site, and allow the remaining site to be developed for housing in due course. The overall site has, however, already received planning permission for a 90 dwelling estate, with all relevant pre commencement conditions discharged but has not been taken up by developers for various reasons. It is considered therefore that the proposed shop development would perhaps be an attractive to feature to future house owners and therefore may assist to develop the wider site for housing.

A retail store within Keelby would accord in principle with policy LP2 which seeks to maintain and enhance the role of large villages by maintaining key services and facilities for residents of the village but also smaller villages in the area. Whilst the site would be located at the edge of the village away from central areas and other community facilities, there is no designated village centre in Keelby, no sequential assessment of alternative sites is required by either the CLLP policy LP6 nor the NPPF for a development of this scale. In any case a store of this scale would be unlikely to be accommodated within more central areas and the South Street/ Stallingborough Road site would be within a reasonable walking distance of the majority of the village maintaining sustainability. In addition neither policy LP6 nor the NPPF require a retail impact assessment for a store of this scale. Whilst it is recognised that the operation of the store could impact upon SPAR and My Shop to the centre of the village competition of rural stores of this scale should not managed through the planning system. It is considered therefore that the merits of the retail proposal would outweigh the material policy issues in this instance.

The development of this store would change the character and appearance of this open countryside location at the edge of the village, which residents have

enjoyed for a substantial period. The site, however, is already allocated for development, albeit, for housing so this rural scene would be lost in due course in any case. Similarly, the proposed design and scale of the building would not appear out of keeping with its surrounding buildings with the design and positioning of the store providing a nod to the agricultural buildings already in the area. This together with its case and the retention of the majority of the hedging around the site boundary would ensure the proposal would not appear out of the character with the area in accordance with policies LP17, LP25 and LP26 of the CLLP.

Similarly, the development of a retail store in this location would have an impact on the amenities of housing facing the site within South Street and Stallingborough Road. This would mainly take the form of the loss of an open vista, increasing traffic causing noise and nuisance and general activity seven days a week. In balancing this, the site as noted previously is already allocated for housing which would change the outlook for existing residents, increases in traffic and attendant noise and nuisance albeit not necessarily with access directly to South Street but nevertheless would lead to increase traffic and activity in the area. Similarly, it has been shown that the design and positioning of the development would be such that it would protect the amenities of neighbouring properties in terms of light and sunlight, outlook and privacy but also, subject to conditions, noise and nuisance in accordance with policy LP26 of the CLLP.

Traffic would increase within the vicinity of the store and particularly to South Street which is a particular concern for local residents. The width, nature and geometry of surrounding streets and junctions along with the proposed the store access would be such that traffic could be accommodated in a safe manner without having a detrimental impact on capacity of the surrounding streets. Such an assessment has been made with reference to the combined levels of traffic generated by the store, but also the 80 dwellings proposed and medical centre. Proposals to enhance pedestrian access to the site would also allow some trips to be made without resorting to motor vehicles. It is therefore deemed that the proposal would concur with policy LP13 of the Central Lincolnshire Local Plan.

Finally, the proposal would be suitably drained through sustainable methods and the retention of the majority of the site's hedging plus a suitable landscaping scheme would help to maintain biodiversity and the site and create an attractive environment within the street scene in accordance with policies LP14, LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

In conclusion therefore it is considered that the benefits of the scheme, providing an accessible retail store in a large village, would outweigh policy considerations (the site allocation) and other material considerations in accordance with policies LP2, LP6, LP13, LP14, LP17, LP21, LP23, LP26 and LP52 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

Recommendation: Approve subject to conditions:

**Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or require matters to be agreed before the development commenced:**

2. No development, including ground works, shall take place until, the applicant has arranged for an archaeologist recognised by the Local Planning Authority to carry out an archaeological watching brief (along the lines of 4.8.1 in the Lincolnshire Archaeology Handbook 2016) during all stages of the development involving ground disturbance in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall include provision for the observation, recording and recovery of artefactual evidence and post-excavation analysis. Fourteen days notice shall be given to the Local Planning Authority prior to the commencement of works. A report of the archaeologist's findings shall be submitted to the Local Planning Authority within two months of the last day of the watching brief, or such longer period as may be agreed by the Local Planning Authority, and shall include arrangements for the conservation and long-term storage of artefacts removed from the site.

**REASON:** To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible and in accordance with policy LP25 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework, notably section 16, paragraph 199.

3. No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:
  - a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
  - b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
  - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk

assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

**REASON:** In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with Central Lincolnshire Local Plan policy LP16.

4. No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include;
- the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - wheel washing facilities and;
  - strategy stating how surface water run off on and from the development will be managed during construction, including drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

**REASON:** To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

**Conditions which apply or are to be observed during the course of the development:**

5. No development above damp course level on the building shall take place until full details of facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

**REASON:** To ensure a satisfactory external appearance of the development and ensure the proposals uses materials and components that have a low environmental impact in accordance with policy LP17 and LP26 of the Central; Lincolnshire Local Plan.

6. Notwithstanding the approved plans details of the species of trees proposed to be planted on site shall be submitted to and approved in writing by the Local Planning Authority before the development progresses beyond damp course level.

**REASON:** To ensure a satisfactory external appearance of the development and to maintain biodiversity in accordance with polices LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

7. All planting, seeding or turfing comprised in the approved details of landscaping (as amended through condition 6) shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**REASON:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality (and occupiers of adjacent buildings – where appropriate) and in accordance with polices LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

8. Before the store is first brought into use the access, parking (including for bicycles), turning and servicing areas shown on the approved plans shall be completed in accordance with the approved designs and details and thereafter shall be made available at all times for their designated purposes.

**REASON:** As recommended by the Highway Authority to ensure the timely provision of the facilities and their retention and in the interests of highway safety and capacity and in accordance with policy LP13 and LP26 of the Central

9. The development hereby permitted shall not be occupied before a 2 metre wide footway along the site frontage to connect the development to the existing footway network on the South Street/ Stallingborough Road junction, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway and tactile crossing points on South Street and Stallingborough Road.



**REASON:** To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

10. Before the store is first brought into use the surface and foul drainage system shown on approved plans and document shall be implemented in full and shall be maintained as such thereafter.

**REASON:** To ensure the site is adequately drained and contamination does not occur and in accordance with policy LP14 of the Central Lincolnshire Local Plan.

11. No external lighting shall be erected until, details of the type, position and angle of glare on the floodlights, (including measures for ensuring that light does not shine directly on the highway housing opposite or is visible to highway users to the detriment of highway safety nor residential amenity) shall have first been submitted to and approved in writing by the Local Planning Authority, The details and measures approved shall be carried out and maintained thereafter whilst the use subsists.

**REASON:** To avoid drivers being dazzled or distracted in the interests of highway safety and to protect residential amenities of adjoining occupiers in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan.

12. Before the retail store is first brought into use details of any extract/refrigeration plant and equipment proposed and measures to mitigate noise from including its acoustic performance shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed only in strict accordance with approved scheme and maintained as such thereafter.

**Reason:** To protect residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

13. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 101 rev P1, 112 rev P1, j1830-00101 rev A, j1830-00103 rev B, j1830-00104 rev B, j1830-00105 rev B, j1830-00106 rev B, j1830-00107 rev B, j1830-00108 rev A, j1830-00110 rev A, and reports Air Quality Assessment, Archaeological Evaluation (KESR18), Bat Survey by Scarborough Nixon, Ecology & Protected Species Survey by Scarborough Nixon, First Report of Noise Impact Assessment by S& D Garritt Ltd, Surface Area Drainage Strategy by York Sills Limited and Delivery and Associated Noise Plan Keelby.

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**REASON:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework

and policies LP2, LP6, LP13, LP14, LP17, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

14. The retail store hereby permitted shall not be open to customers outside the following times: 7 am to 10 pm each day and deliveries to and from the site shall also not occur outside of the following hours 7am to 7pm (including waste disposal services).

**REASON:** To protect the amenities of adjoining properties and the locality in general in accordance with policy LP26 of the Central Lincolnshire Local Plan.

15. There shall be no outside storage of goods, materials equipment or any other articles on the site otherwise than in the defined screened service yard.

**REASON:** In the interest of residential and/or visual amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

**Notes to the Applicant**

- Please be aware that as of the 22<sup>nd</sup> January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge.
- The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal [www.west-lindsey.gov.uk/cilforms](http://www.west-lindsey.gov.uk/cilforms) and West Lindsey District Council's own website [www.west-lindsey.gov.uk/CIL](http://www.west-lindsey.gov.uk/CIL)

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties

- The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

The permitted development requires the formation of an amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. For approval and specification details, please contact [vehiclecrossings@lincolnshire.gov.uk](mailto:vehiclecrossings@lincolnshire.gov.uk)

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

# Agenda Item 6d



## **Officers Report**

### **Planning Application No: 140077**

**PROPOSAL:** Planning application for 1no. dwelling, including upgrade of access, private drive and new associated garage - redesign of approved plot 2 under application number 135838

**LOCATION:** Land adjacent to 2 Church Street Glentworth Gainsborough DN21 5DG

**WARD:** Hemswell

**WARD MEMBER(S):** Cllr P Howitt-Cowan

**APPLICANT NAME:** Mr and Mrs D Walker

**TARGET DECISION DATE:** 25/11/2019

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Daniel Evans

**RECOMMENDED DECISION:** Grant Permission Subject to Conditions

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This application has been referred to the planning committee in view of the objections from the Ward Member and neighbours, and the Parish Council who consider that the application proposes development that would be contrary to the newly made Glentworth Neighbourhood Plan.

#### **Description:**

The application site comprises of an area of undeveloped land located within the defined settlement of Glentworth.

The site consists of an area of well-maintained grassed land which slopes downhill from south to north, away from the access. There are hedges and trees to the boundaries, with existing brick built structures towards the front of the site. The existing access is a single private track that runs along the rear boundaries of 4 – 12 Kexby Road and provides access to the rear for a number of these properties. The site lies within an Area of Great Landscape Value.

The application seeks permission to amend the housetype previously approved in 2017, under planning permission 135838.

#### **Relevant history:**

137969: Planning application to remove condition 18 of planning permission 135838 granted 30 June 2017- the retention of garage – granted 16/08/2018

135838: Planning application for 2no. new dwellings – granted 30/06/2017

97/P/0133: Erect double garage – granted

98/P/1006: To erect outbuildings – granted

#### **Representations:**

Chairman/Ward member(s):

Cllr. P. Howitt-Cowan (in summary) –

- Favour the previous approval.
- The design will dwarf the entire plot akin to urban housing in a rural setting.
- The revised dwelling will be of such a mass and height that it would intrude upon the landscape.
- Destroy the symmetry of the proposed dwellings.
- The development will cram into a limited space which is inappropriate and intrusive.
- Matters in relation to previous conditions.

Glentworth Parish Council:

(in summary)

- No reference is made to the Glentworth Neighbourhood Plan.
- The scale and massing of the proposed dwelling will impact on the views and vistas identified within the neighbourhood plan.
- The access is unsuitable.
- Concerns raised regarding the location of drainage pipes underneath the access.
- There is evidence of Great Crested Newts and Water Voles inhabiting the pond adjacent to the site.
- Concerns in relation to the possible disposal of foul water into the adjacent pond/water course. There is also no known solution to the proposed package treatment plant.
- Matters in relation to the Anglian Water sewerage pumping station in Glentworth.
- We formally request that given the scale and range of concerns expressed here by the Parish Council and in view of the number of local resident objections, this matter is considered by the full Planning Committee.

Local residents:

Objections received from:

4, 6 and 30 Church Street Glentworth. 2, 4, 6, 8, 12 and Willow Brook, Kexby Road, Glentworth.

The grounds of objection are summarised below:

- Impact on local wildlife, notably Water Voles, Bats, Great Crested Newts.
- Impact on access.
- Access is not suitable.
- Construction traffic.
- Drainage is not acceptable.
- Security issues as a result of access.
- Discrepancies over information submitted.
- Impact on private views.
- Impact on amenity by virtue of overlooking.
- Proposal is too large for the site (overdevelopment).
- Impact on neighbourhood plan views.

- Design is out of character.
- Matters in relation to the Human Rights Act.

Comments of support received from:  
2 Church Street, Glentworth.

Comments of support are summarised below:

- The design is more fitting to the size and location in that the mixture of brick and stone reflects local materials.
- The size of the building is more fitting to the size of the plot without effecting the south elevation.

LCC Highways:

(in summary) No objections.

Archaeology:

(in summary) The proposed development should be subject to the same archaeological conditions as that previously approved for the larger site. We reiterate our earlier advice.

Natural England:

(in summary)

- The proposal is a small scale development taking sub-optimal habitat for GCN (if they are even in that pond)
- Your authority would need to be proportionate in their determination here i.e. the costs on the developer to do further survey work against the recommendations of the ecologist.
- The report follows a method statement approach that will protect GCN from killing or injury during works – this will prevent contravention of the legislation and therefore need for a licence.
- Land being taken south of the pond is closer to the road etc. If GCN are there, they will be moving north and northeast around better areas of habitat (these are unaffected)
- Hibernacula will provide an enhancement on site.

We would therefore suggest that the Ecology report is acceptable in this case.

**Relevant Planning Policies:**

National Guidance:

National Planning Policy Framework (NPPF) -

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance -

<https://www.gov.uk/government/collections/planning-practice-guidance>

Local Guidance:

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the relevant documents of the statutory Development Plan are the provisions of the Central Lincolnshire Local Plan (April 2017); and the Glentworth Neighbourhood Plan which was formally made on 4<sup>th</sup> November 2019, following a successful referendum.

Under planning law<sup>1</sup>, if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

#### Central Lincolnshire Local Plan (2012-2036):

Following adoption at Full Council on 24<sup>th</sup> April 2017 the CLLP forms part of the statutory development plan\*. The policies considered relevant are as follows:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP10: Meeting Accommodation Needs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP25: The Historic Environment

LP26: Design and Amenity

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

#### Neighbourhood Plan:

##### Glentworth Neighbourhood Development Plan

On 5 September 2019 a referendum was held on the Glentworth Neighbourhood Plan. A majority of residents voted in favour of wanting West Lindsey District Council to use the neighbourhood plan for Glentworth to help it decide planning applications in the neighbourhood area. A neighbourhood plan comes into force as part of the statutory development plan\* once it has been successful at referendum. The Neighbourhood Plan has now been formally made on the 4<sup>th</sup> November 2019. The relevant policies are:

Policy 1: Views

Policy 3: Design and Character of Development

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/glentworth-neighbourhood-plan/>

#### Other Guidance

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<sup>1</sup> S38(5) of the Planning & Compulsory Purchase Act 2004 (as amended)



<https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

### **Main issues**

- **Principle of Development**
- **Ecology**
- **Character and Visual Impact**
  - *Neighbourhood Plan Views*
  - *Area of Great Landscape Value*
- **Residential Amenity**
- **Highway Safety and Parking**
- **Foul and Surface Water Drainage**
- **Other matters**

### **Assessment:**

#### Principle of Development

The principle of development for one dwelling on this site has already been established by planning permissions 135838 and more recently 137969. Whilst this application would grant a new permission for the site, the most recent extant permission (137969) must be acknowledged and given significant weight in this decision, as a potential “fallback”.

This permission has not yet commenced or had its pre-commencement conditions (numbers 2, 3, 4, 5, 7, 8 and 9) discharged. This an extant permission which still has over 18 months to commence works on the site. It is considered that the principle of housing development on the site has already been established in extant planning permission 137969 therefore the principle of residential development on the site has already been deemed to accord with local policies LP2 and LP4 of the CLLP.

For the purposes of policy LP4, Glentworth has a growth allowance of 15% (14 dwellings) – development of the application site (under application 135838) has already been calculated as part of the permitted growth in the village of 11 dwellings.

Accordingly, it is not necessary to revisit the matter of principle. Nevertheless, it is necessary for this decision to consider whether the revised design is acceptable in all other regards.

Another significant consideration is the adoption of the Glentworth Neighbourhood Plan, made in November 2019. Whilst the principle of development would not be found contrary to the provisions of the Neighbourhood Plan, it contains policies on views; and design & character, which the application now requires to be considered against.

It is considered that policy LP2 and LP4 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

### Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Central Lincolnshire has many areas which are noted for their natural beauty and biodiversity value. These areas also support a wide variety of species and habitats, and form an important part of the network of biodiversity sites within the wider environment.

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System<sup>2</sup> advises that it is essential that the presence or otherwise of protected species and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision.

Policy LP21 of the CLLP states that “*All development should:*

- *protect, manage and enhance the network of habitats, species and sites of international ,national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity”.*

Guidance contained within paragraph 109 of the NPPF states that ‘*the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*’.

Guidance contained within paragraph 118 of the NPPF states that ‘*when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying*’ certain principles including:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *‘planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats’*
- *‘opportunities to incorporate biodiversity in and around developments should be encouraged’.*

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<sup>2</sup> <https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

An 'Ecology and Protected Species Survey' has been submitted in support of the application.

The results of the survey are summarised below.

#### Great Crested Newts

The results of the survey indicate that the pond has potential to support great crested newts, there are records of this species close by and some areas of the site are considered to offer good terrestrial habitat for great crested newts during their terrestrial life phase. In such cases it is usually necessary to undertake further survey work in order to establish the presence of great crested newts and if required to secure a Natural England European Protected Species licence.

However, the report states: *"in certain cases, when the scale of the works is low, it is possible to time the works appropriately, or adjust the area of impact or amend the working methods/practices in order to avoid any risk of injury or disturbance to great crested newts and their places of shelter. In such cases it may be possible to proceed without the requirement for further survey work or a European Protected Species licence as the work will not result in a breach of the relevant legislation". "For this site, given the areas affected and the nature of the surrounding habitats it is considered that with appropriate working practices and timing, it is possible to undertake the proposed work without the risk of a breach in the legislation protecting great crested newts."*

A strict Method Statement in order to ensure legal compliance and to prevent any inadvertent mistakes which could result in a breach of the legislation which protects great crested newts and their habitats is proposed. Advice has been sought from Natural England to ensure the proposed method statement is acceptable, their advice is set out below.

- *"The proposal is a small scale development taking sub-optimal habitat for GCN (if they are even in that pond)*
- *Your authority [WLDC] would need to be proportionate in their determination here i.e. the costs on the developer to do further survey work against the recommendations of the ecologist.*
- *The report follows a method statement approach that will protect GCN from killing or injury during works – this will prevent contravention of the legislation and therefore need for a licence.*
- *Land being taken south of the pond is closer to the road etc. If GCN are there, they will be moving north and northeast around better areas of habitat (these are unaffected)*
- *Hibernacula will provide an enhancement on site.*

*We would therefore suggest that the Ecology report is acceptable in this case".*

In accordance with the Natural England advice, the approach adopted is acceptable in this instance and therefore should permission be granted, an appropriate condition should be applied to ensure compliance with the method statement.

### Bats

The site has moderate potential for foraging and commuting bats. The report recommends that precautions are taken so that the development of the site does not have a negative impact on the availability of commuting and foraging areas for bats within the local landscape. This includes the use of artificial light to ensure dark corridors are maintained around and across the site and the provision of bat boxes.

### Badgers

No further work or mitigation is required in respect of this species, but as badgers are a mobile species, it is recommended that vigilance is maintained for signs of badger activity.

### Water Vole

No signs of use by water vole were noted during the survey. No further survey work or mitigation is required in respect of this species. It is recommended that vigilance is maintained for signs indicative of water vole presence.

### Birds

The hedgerows and trees on site have high potential for use by nesting birds. The report recommends that any vegetation clearance work should commence outside the active nesting season, which typically runs from March through to late August. If work commences during the bird breeding season, a search for nests will need to be carried out before work begins, and active nests should be protected until the young fledge.

### Habitats and Plant species

The habitats and plant species recorded on the site are common and widespread in the local area and in the country. The hedgerows on site do not meet the required criteria of 7 woody species within a 30m length to qualify as important under the Hedgerow Regulations 1997. No invasive plant species listed on Schedule 9 were recorded.

Overall, it is considered that the development can be completed without an adverse impact on ecology subject to the development proceeding in strict accordance with the measures and method statement outlined within the 'Ecology and Protected Species Survey'. The proposal therefore accords with policy LP21 of the Central Lincolnshire Local Plan, Circular 06/2005 and guidance within the NPPF.

It is considered that policy LP21 is consistent with the natural environment guidance of the NPPF and can be attached full weight.

### Character and Visual Impact

Policy LP26 seeks to ensure development respects the existing topography, landscape character and identity, and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths. Policy LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape. Policy 3 of the Glentworth neighbourhood plan

states that “*Development proposals will be supported where their design and detailing complement the established character of the village as described in the Neighbourhood Character Profile Report*”.

The Neighbourhood character profile sets out detailed guidance in relation to the character of Glentworth. The profile provides individual guidance for different areas of the village. Of those areas that relate most to the application site, the profile sets out the following:

*Church Road South - “A mixture of housing styles and building materials used on this part of Church Street, but all have good sized front gardens with wide range of trees and hedging. Range of different property styles with large executive detached properties, semi-detached dormer bungalows and detached bungalows”.*

*Kexby Road/Hannover Hill – “A range of brick semi-detached brick cottages on the left hand side with large front gardens some with large side and back gardens”. Buildings consist of “Red brick.”*

Taking account of the advice contained within the character profile and from undertaking an extensive site visit. It can be concluded that the character of the area is established by an eclectic mix of dwelling, styles and forms. The materials are predominantly brick with pantile or concrete tile roofs.

The dwelling approved under application 137969 consists of a detached dormer bungalow with a total height of approximately 7.2m and eaves height of approximately 3.1m. The materials as indicated on the drawings consisted of predominantly render and a mix of brick and grey green Cedral boarding. The revised design approach is set out within the submitted design and access statement. To summarise, the revised dwelling is a two-storey property which has a symmetrical principal frontage. There is a stepped down projection to the rear which provides an overall ‘U’ shaped plan form. The height to the eaves of the principal element of the dwelling is 4.875m with a ridge height of 8.16m. An indication of a traditional materials palette such as a mix of traditional facing brick, stone and clay pantiles is provided on the drawings and the dwelling includes traditional features such as gable wall tumbling.

Given the mix of dwellings in the immediate locality, the design is considered to be appropriate and the proposal will be expected to integrate into the surrounding character. The site boundary has been extended to the north and as such the proposal will not appear overly dominant within the plot. To ensure a high quality finish, final material details should be secured via condition.

The proposal is therefore found to comply with policy 3 of the Glentworth Neighbourhood plan and LP26 and LP17 of the Central Lincolnshire Local Plan.

It is considered that policy LP17 and LP26 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

### *Neighbourhood Plan Views*

Policy 1 of the neighbourhood plan identifies key local views within the village and surrounding area. The view towards the village from Hannover Hill (No.5) and the view Northwest from Middle Street (No.10) are identified as a key local views which this development may be visible within.

View no.5 is noted for the following reason:

*“This “gateway” view of the village across the paddock where horses and chickens currently graze, including the horse chestnut tree at the junction of Hanover Hill, Chapel Lane and Kexby Road provides a first impression of a quiet, rural settlement in a green setting enhanced by mature trees”.* The view, as set out within the Character Profile, is depicted below:



It is noted that the above image does not appear to correspond to the position of the view as set out within policy map 1(a).

View no.10 is noted for the following reason:

*“Glimpses of the church, Glentworth Hall and the characteristic pantile roofs, softened and harmonised by the trees. Emphasises the discrete rural setting”.* In contrast to the above, view no.10 is not depicted within the Character Profile.

Policy 1 states that *“Development proposals will be supported where they take account of Key Local Views and have demonstrated how they are maintaining and responding positively to such views”.* Section 3.1.1 of the submitted Design and Access Statement outlines how the design of the proposal responds to the neighbourhood plan views.

The application site is located amongst a number of dwellings and will be viewed in the context of the nearby structures. The proposal, as approved under application 137969, consisted of a dormer bungalow with a ridge height of approximately 7.2m. The proposal was to be predominantly cream rendered. The revised design contains a dwelling with a total ridge height of approximately 8.1m with a locally inspired materials choice consisting of brick, stone and a pantile roof.

The view depicted below was taken during the site visit and is taken from Hannover Hill looking towards the site, where view no.5 is identified on policy map 1(a).



In relation to view No.5, the view displays an element of sylvan charm albeit including the roofscape of residential properties along Kexby Road and Church Street. From this view there appears to be a distinct materials palette to this part of the village consisting of pantile roofs and red brick with some uPVC conservatories visible. The use of render is not frequent.

Although the proposed structure will be of a larger scale to that previously approved by approximately 0.9m, it is noted that the materials palette is more traditional and in keeping with the surrounding area. A rendered gable end in this location would appear more visible and impact the view more significantly than the revised proposal given the materials choice. The rear projection of the proposed dwelling would be visible, nevertheless would reinforce the established character and roofscape.

With respect of view No.10, this view represents a similar character to view No.5 albeit with distant views of the Church tower. Given the proximity and scale of properties along Kexby Road, it is anticipated that the proposal, when viewed from view No.10, will appear as an additional pantile roof amongst a roofscape which consists of predominantly pantile roofs. Therefore, the proposal would display features which are “*characteristic*” of the notable view as set out within the definition.

Overall, when considering the dwelling which could be built in this location as a result of extant permission 137969, it is considered that the revised design of the dwelling would have a negligible impact, and would therefore maintain and respond positively to the identified important views (No.5 & No.10). The proposal is therefore deemed to accord with policy 1 of the Glentworth Neighbourhood Plan.

#### *Area of Great Landscape Value*

The considerations of Policy LP17 are particularly important when determining proposals which have the potential to impact upon Areas of Great Landscape Value. To accord with the provisions of Policy LP17 Development proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements.

The current site is largely undeveloped with natural screening towards the boundaries. Given the fall-back position offered by the extant planning permission, although the proposal is likely to be visible from the east, given the high quality traditional design, it would not detrimentally impact the special characteristics of the landscape. The landscaping within the plot will be addressed by suitable conditions to ensure that appropriate landscape treatment is provided and retained to assimilate the development into its surroundings.

To conclude this section, it is considered that the design of the proposal is acceptable and will not detrimentally impact the character of the area. The proposal therefore complies with policy LP26 and LP17 of the Central Lincolnshire Local Plan and policy 1 and 3 of the Glentworth Neighbourhood Plan.

It is considered that policy LP17 and LP26 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

#### Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential



amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

Concerns have been raised during the consultation with regard to overlooking impact. In granting permission for the dwellings on this site the previous planning officer concluded *“that the development would not result in significant increase in overlooking, loss of light or overshadowing of existing neighbouring properties”*. It is necessary for this assessment to consider if the re-design would lead to an unacceptable impact over and above the previous proposal.

The previously approved dwellings contain 2no. habitable windows at first floor level at the front elevation, which serve bedrooms. Measured from the centre point of the windows, the windows to the front were situated at a height of approximately 3.6m. The proposed design contains 3no. windows at first floor level to the front elevation. 2no. of which are habitable, serving bedrooms, the other window serves a bathroom which will be obscure glazed. Measured from the centre point of the windows, the windows to the front of the proposal are at a height of approximately 4m. The proposed dwelling is set back approximately 21m from the rear fences and approximately 34m from the rear of the house of the nearest properties on Kexby Road. They are separated by the existing access road and existing and proposed garages will also provide additional screening between the properties. The centre of the windows are approximately 0.4m higher than the previously approved dwelling. Overall, given the minor increase in height and taking into consideration the existing arrangements on site, it is considered that the proposed dwelling will not significantly increase overlooking impacts that would detrimentally impact the residential amenity of neighbouring residents.

#### Amenity Space

It is also considered that the proposal offers an adequate amount of outside amenity space for proposed dwelling.

Overall, the proposal is acceptable in terms of residential amenity and therefore the proposal accords with policy LP26 of the Central Lincolnshire Local Plan.

It is considered that policy LP26 is consistent with the residential amenity guidance of the NPPF and can be attached full weight.

#### Highway Safety and Parking

Although concerns have been raised during consultation in relation to the proposed access. The principle of the access to this site was established by application 135838 and 137969, which remain a “fallback”, and to refuse on highway safety grounds without any material change in circumstance would be unreasonable. An appropriate condition will ensure the access is completed to the satisfaction of the highway authority. The proposed access, parking and turning arrangements are acceptable and the proposal accords with policy LP13 subject to receiving such detail.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

#### Foul and Surface Water Drainage

Concerns have been raised during the consultation period that the dwelling would overload the mains sewerage system. As a point of clarity, this application is not proposing to connect to the mains sewer. The applicant has advised that foul drainage will be dealt with via a package treatment plant and surface water will be disposed of via an existing water body. No additional details have been submitted and it is acknowledged that a suitable condition could secure such details. Subject to receiving further details, the scheme accords with policy LP14 of the Central Lincolnshire Local Plan.

It is proposed to discharge the clean treated water from the wastewater treatment plant into the pond, which will then overflow into the stream as it does currently. This was addressed by the ecologist who advised there is no perceived detriment to the ponds wildlife.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

#### *Other matters*

##### Archaeology

The LCC Historic Environment Officer reiterated their previous advice following the previous applications which stated, *“this development site is within the former medieval settlement of Glentworth, and any development has the potential to disturb remains from this period and possibly earlier”*. This matter was previously dealt with via an appropriately worded condition and the same approach is deemed to be appropriate.

#### **Conclusion**

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP10: Meeting Accommodation Needs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity and LP25: The Historic Environment, LP26: Design and Amenity of the Central Lincolnshire Local Plan and Policy 1: Views and Policy 3: Design and Character of Development of the Glentworth Neighbourhood Development Plan in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the principle of development is acceptable. The design is deemed to be appropriate and the development would not be expected to detrimentally impact the character of the area. The proposal will not be likely to spoil the special characteristics of the important views within the settlement. The proposal would not be likely to unduly impact the residential amenity of neighbouring residents and no harm would be expected to arise to highway safety. The proposal will not be expected to harm the character of the Area of Great Landscape Value. The development should

protect the biodiversity value of the site and the development has been shown that it can acceptably mitigate for any harm caused to protected species, particularly Great Crested Newts. The proposal is therefore acceptable.

Draft Conditions

**Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or require matters to be agreed before the development commenced:**

2. No development shall take place until, a scheme for the disposal of the foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full before the building(s) are first occupied.

**Reason:** To ensure adequate drainage facilities are provided to serve the development and in accordance with Central Lincolnshire Local Plan Policy LP14.

3. No development shall take place until details of all external wall and roofing materials, surface materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

**Reason:** To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with Central Lincolnshire Local Plan Policy LP26.

4. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

5. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be removed,

retained or planted, fencing and walling have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a landscaping scheme to enhance the development is provided in accordance with Central Lincolnshire Local Plan Policy LP17 and LP26.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and occupiers of adjacent buildings and in accordance with Central Lincolnshire Local Plan Policy LP17 and Policy LP26.

7. No development shall commence until, full details of the treatment of all boundaries of the site, including where appropriate, fencing, walling hedgerows to be retained, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the dwellings are first occupied.

**Reason:** To ensure the provision of appropriate boundary treatment in the interest of the visual and residential amenity of the area in accordance with Central Lincolnshire Local Plan Policy LP17 and LP26.

8. No development shall take place until a scheme of ecological enhancements including the provision of Bat and Bird boxes within the site, have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** As recommended under sections 5.2, 5.3 and 5.4 of the 'Ecology and Protected Species Survey' by Inspired Ecology Ltd dated November 2019, to protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and LP21 of the Central Lincolnshire Local Plan.

9. No development shall take place, including ground scraping until a scheme for the protection of trees on the site (including accurate survey of trees and root protection areas and timetable for implementation of measures) have been submitted to and approved in writing by the Local Planning Authority and such measures shall be erected in the positions approved before the development is commenced and thereafter retained until completion of the

development. Nothing shall be stored or placed in any area, nor shall the ground levels within those areas be altered, without prior written approval of the Local Planning Authority.

**Reason:** To safeguard the existing trees on the site during construction works, in the interest of visual amenity in accordance with Central Lincolnshire Local Plan Policy LP17.

10. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

**Reason:** To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

11. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 10 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

**Conditions which apply or are to be observed during the course of the development:**

12. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 10.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

13. Following the archaeological site work referred to in condition 10 a written report of the findings of the work shall be submitted to and approved in writing

by the local planning authority within 3 months of the said site work being completed.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

14. The report referred to in condition 13 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

15. The development shall be carried out strictly in accordance with the method statement and mitigation measures recommended within section 5.1 (pages 13-17) of the 'Ecology and Protected Species Survey' by Inspired Ecology Ltd dated November 2019.

**Reason:** To ensure the development proceeds in accordance with the approved method statement in relation to Great Crested Newts to accord with the National Planning Policy Framework and LP21 of the Central Lincolnshire Local Plan.

16. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 19/179/Ex – 01, 19/179/Pr – 01, 19/179/Pr – 02, 19/179/Pr – 04, 19/179/Pr – 03 Revision A dated August 2019 and RDS 11230/08 dated February 2016. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Central Lincolnshire Local Plan Policy LP26.

17. The minimum width of the access shall be 4.5 metres for the first 10m and alterations approved under condition 4 to facilitate this shall be completed before the first dwelling is occupied and shall be retained thereafter.

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

18. Prior to any of the buildings being occupied the private drive shall be completed in accordance with the details approved under condition 4.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2 Part 1, Class A, B, C, D and E (or any order revoking and re-enacting that Order with or without modification), there shall be no external alterations or extensions to the building and extension including the insertion of new windows or dormer windows nor structures placed within the curtilage of the dwelling other than as authorised by this permission.

**Reason:** To safeguard the character and appearance of the building and its surroundings in accordance with policies LP17, LP26 of the Central Lincolnshire Local Plan.

# Agenda Item 6e





## **Officers Report**

### **Planning Application No: 140003**

**PROPOSAL:** Planning application for outbuilding to be used as beauty salon.

**LOCATION:** 23 Greetwell Lane Nettleham Lincoln LN2 2PN

**WARD:** Nettleham

**WARD MEMBER(S):** Cllr G McNeill and Cllr A White

**APPLICANT NAME:** Ms Hindle

**TARGET DECISION DATE:** 13/11/2019

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Joanne Sizer

**RECOMMENDED DECISION:** Grant permission subject to conditions.

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This application has been referred to the Planning Committee due to the objections from neighbours and the Parish Council, and these matters are considered to be finely balanced.

**Description:** The application site is located within Nettleham Village (a large village under policy LP2 of the Local Plan). It hosts a semi-detached dwelling set in a residential plot allowing for off road parking to the front and a private garden to the rear. Other residential properties sit to the North and South with paddock land sitting to the East. Beyond the paddock land is Nettleham conservation area and further to the North East is a Scheduled Ancient Monument (Bishops Manor House). Boundary treatments around the rear garden area consist of a mixture of close boarded and post and rail fencing with some planting.

This application seeks permission to erect a detached outbuilding located in the rear garden to be used as a beauty salon. The building measures 8 metres in length, 3.1 metres in width and 3.1 metres in height. It will be constructed in a cream colour wood grain effect board with grey windows and doors. The accompanying statement sets out that the use as a beauty salon will be in operation during the hours of 9am to 5pm over 3 days a week (Monday to Saturday) with a maximum of 5 clients per day and one appointment at a time with one Therapist working on the premises.

**Relevant history:**

W65/375/95 – Planning application to erect a two storey extension to existing dwelling - PPC

**Representations:** The application has been subject to amendments and a re-consultation undertaken on the 13 November 2019.

**Chairman/Ward member(s):**

None received

**Parish/Town Council/Meeting:**

17/10/19 - The Parish Council objects to this application on the following grounds:

The building shows UVC cladding which is inappropriate and not in keeping with the local character, Nettleham Neighbourhood Plan policy 6a.

There would not be adequate on-site parking for business customers as well as residential needs and parking on Greetwell Lane, which is a well-used country lane, would represent a hazard.

The PA states there flat roof and the drawing shows a pitched roof to a height of 3.64m. At this height it would be visible from the Bishops Palace Heritage amenity (SAM) site contrary to Nettleham Neighbourhood Plan policy D6 c.

There would appear to be some confusion over the quoted opening hours which would appear to relate to a "take away".

Local residents:

**Local Residents:**

15/11/19 - **11 Greetwell Lane, Nettleham:**

I have read the latest submissions and I remain concerned. The proposals on the restriction of the number of clients and the hours the new unit it is said will operate is as far as I can tell not enforceable and is there for of little worth. My concerns regarding traffic movements remains on a narrow road with pavement at only one side.

03/10/19

I have some concerns regarding the application Greetwell Lane is a narrow road with pavement just on one side. Cars parked create some issues and particularly if the park across the pavement as some do. I am concerned that to open a business unit on this road will create traffic issues and be dangerous. I note additional hard surfacing to create a car parking area but I fear that cars will be unable to turn round and have to reverse onto a stretch of road that is busy. There will be an inevitable increase in car movements. One other consideration is I believe the unit will be seen from the Bishops Palace an ancient monument within the conservation area of the village.

07/10/19 - **27 Greetwell Lane:**

I have Lived on Greetwell lane for over 10 years and have seen a high rise in the volume of speeding traffic on this increasingly busy village lane .It can be dangerous to pull into and pull out of my own driveway at the best of times without the increase of vehicles which this business venture will bring .There is no path on this side of the road and we often have cars parking on the verge which is dangerous and obstructs the view, this will surely increase. After studying the proposed plans , i also feel the building is too high , on the plans we see it as a pitched roof ( not flat ) , this will be seen not only by close neighbours but visible from the Bishops palace a beauty spot and conservation area within our village . There is also the question of noise, i

understand there are to be two air conditioning units which we are close enough to hear. I would also like to raise the question, on the plans, the reception area is the same size as the main treatment room. Is this so that in the future it can be made into another treatment room, meaning taking on a member of staff? more clients? more cars?

I feel Greetwell lane is not the right place to be setting up a beauty salon, this is a pleasant residential lane and should remain so.

**10/10/19 - 20 Greetwell Lane:**

I have lived on Greetwell lane for the past 32 years during which time I have seen the number of vehicles using this lane to increase to what I would describe as a very heavy flow. The residential part of the Lane is relatively narrow with only a footpath on the western side. Although there is a speed limit of 30mph I witness this being broken regularly. It would appear that parking arrangements at the proposed site will be limited to a small number of vehicles most of which will need to reverse back onto the lane on leaving, this causing obstruction and danger to other road users. Vehicles required to park on the roads would severely add to those problems. I fail to see how numbers of clients visiting the premises could be restricted sufficiently to properly address the road safety issues.

**28/11/19 - 19 Greetwell Lane**

The new planning application will still be a blot on the landscape with this pvc clad structure visible for all to see and not in keeping with the surrounding area. The size of this building also is of concern, being similar in appearance to an industrial unit. There appears to be more than three days and nights being used at present including weekend days and evenings. Parking in the evening on the footpath/ roadway outside of property and adjoining properties obvious for all to see.

11/10/19 - I have lived in Greetwell Lane for 6 years and my partner over 17 years. The traffic flow has always been very busy though quite a few people will daily exceed the speed limit by accelerating up the hill reaching close to 50mph before they pass property of applicant. Reversing upon the lane causes many occupants distress when the road is clear of parked vehicles, even worse when cars are parked here and there!! even worse when wheelie bins are blocking line of sight!

I think planning departments must seriously consider their actions before a fatality occurs. A pvc structure of this magnitude would have a negative impact on the neighbouring amenity. Negative effect on character and appearance on the landscape viewed from Bishops Palace.

It would be completely out of character with other buildings.

Excess noise from Air conditioning units "buzzing" away as people want to relax and enjoy the quietness of this rural setting.

**28/11/19 - 21 Greetwell Lane**

Further to the reviewing the amendments to planning application reference no: 140003, we wish to reiterate our original objections and concerns, previously submitted.

As occupants of the semi-detached house sharing a wall with no: 23 we believe the proposed change of use will cause us undue noise and disturbance, detrimental to our residential amenity.

We feel that running a business from a residential area, close to a conservation area, involving the construction of a very large building, is inappropriate and would set a precedent for future developments. The building materials and size, in relation to the garden and surrounding gardens is not in keeping with the area.

Whilst the applicant has stated business hours will be 3 days per week, up to 5 clients per day, we feel this would be highly likely to increase. The plans indicate the proposed beauty salon has a reception area the same size as the treatment room and could therefore easily accommodate 2 members of staff. Such investment in a separate building for business purposes would usually require significant turnover to make it viable development.

Approval of the application based on restricted use would be impossible to enforce and therefore the wider implications of an increase in traffic, noise and disturbance from business activities are a significant factor for consideration.

13/10/19 - There appears to be a number of errors, omissions and inconsistencies contained within the planning application and site plan. We would request that these are addressed to enable a full assessment of the application. These issues together with our comments are listed below:

Section 7. Materials - The application states the proposed building will have a flat roof but the plans show a pitched roof. The proposed materials for the building construction are uPVC Cladding, doors and windows – the application does not state what colour.

These materials are not in keeping with the characteristics of the properties in the area or the village. (Odd) house numbers 17 – 27 on Greetwell Lane are all semi-detached dwellings built in the 1930's. The size of the proposed building in relation to the garden and proximity to neighbouring properties is significant. **At 3.64 metres high and 8 metres long it takes up a large proportion of the garden and will tower above the fence on our boundary. The proposed building would be clearly visible from our garden and rear aspect from our home, blocking most of our view (and light) which would be detrimental to our residential amenity.**

Section 9. Vehicle Parking – The application states that vehicle parking is not relevant. However, traffic to the property will increase and therefore vehicle parking is relevant.

There is potential for the business to grow as the size of the proposed building could easily be modified to accommodate 2-3 staff, providing treatments concurrently. This would see an increase in the number of clients coming and going from the beauty salon which could mean the arrival / departure of several cars at once. The overlap of clients would mean the drive could not accommodate adequate turning.

Greetwell Lane is a very busy road where despite the 30 mph speed limit, drivers frequently exceed this coming into and going out of the village. There have been a number of accidents on the road during the past 13 years we have lived here.

Greetwell Lane only has a footpath on one side of the road. We already see quite a number of cars parking on the road and on the verges. This causes impaired visibility for residents reversing and pulling out of their own drives. The allowance of business premises, where an increase in traffic and parking is relevant, would set a precedent for future applications for change of use in a residential area, potentially increasing inflow of traffic from outside the village.

Section 11. Assessment of Flood Risk – The application states that surface water will be disposed of via ‘main sewer’. This would be against Anglian Water’s policy which does not allow surface water to be discharged in a main sewer for foul waste only.

Section 12. Biodiversity and Geological Conservation – The application indicates that the site is not near “features of geological conservation importance”. However, the proposed large Upvc cabin would be visible from the Nettleham Conservation Area of the Bishops Palace site which has a scheduled monument. (Odd) House numbers 17 – 27 on Greetwell Lane are 1930’s dwellings with long rear gardens in a largely open context, backing onto a paddock. Beyond the paddock is the conservation area. The proposed building in the rear garden of No. 23 would adversely affect views of this sensitive village edge and historic landscape including those across the conservation area. If approved, it would create a precedent and make future similar development applications more difficult to reject, which would further alter and harm the character and appearance in the vicinity.

Section 19. Hours of Opening – The application states use as “A5 – Hot food takeaways open 09:00 – 17:00, 7 days per week”. This is not consistent with Section 5 Description of the Proposal “Construction of outbuilding to be used as beauty salon”. Assuming this is an error, there is no information on the opening times of the beauty salon, we are therefore unable to comment on the business opening times and what impact this may have, or indeed any future alterations to opening hours.

Section 20. Industrial or Commercial Processes and Machinery – The application requests details of the type of machinery which may be installed on site. No details are provided but the plans indicate 2 large air conditioning units will be installed on the rear of the building, adjacent to our boundary. As no technical details or measurements have been provided on the application and plans, we are unable to comment on the potential noise, air pollution, disturbance or proximity to our boundary, but this remains a concern.

Section 22. Site Visit – The application indicates the proposed site cannot be seen from a public road, footpath, bridleway etc. This needs review as the proposed site can be seen from the Nettleham Conservation area close to Bishops Palace. See comments in Section 12.

Granting permission for a change of use for a business to be run from a residential area would set a precedent and may increase the likelihood of other proposed developments / change of use applications in the future. Granting a change of use would not prohibit the number of visitors / cars

arriving at the property and as such it is not possible to evaluate the impact this would have on neighbouring properties and traffic.

Noise and disturbance – There will be a number of visitors to the business on a daily basis which would be accessing the proposed building via the path down the side of no. 23 which is abutting the boundary of no. 25. The 8 metre length of the proposed building runs extremely close to our boundary, overshadowing our garden. The activities will therefore give rise to undue noise and disturbance to the detriment of the residential amenities of neighbours particularly ourselves and the occupants of no. 25. The proposed building also overlooks the rear garden and dwelling of no. 25 and directly into side facing windows.

#### **20/10/19 - 17 Greetwell Lane**

I refer to the above application for the proposal to build an outbuilding to be used as a Beauty Salon at 23 Greetwell Lane, Nettleham, Lincoln LN2 2PN. I understand that immediate neighbouring properties were notified of this application, but would like to submit comments on behalf of Miss W. A. Simpson of The Hollies, 17 Greetwell Lane, due to the close proximity of her home and paddock behind it.

Following a brief, initial look at the application, clarification was required regarding reference to a Hot Foot Takeaway. It was advised that the application was only for a Beauty Salon which would operate between the hours of 9am to 5pm three days per week. The main concerns of this application relate to the possible levels of disturbance, lighting and lack of privacy to neighbouring gardens and the paddock, with particular regard to the potential:-

- **level of noise generated from two air conditioning units,**
- **noise and lighting generated by the volume of clients using the business, which would possibly increase as the business expanded,**
- **level of traffic increase parking on Greetwell Lane,**
- **overlooking of neighbouring gardens and the paddock from the Salon windows, resulting in a loss of privacy.**

**An additional concern is that, as the Salon proposal includes showering and toilet facilities, it could, in future change it's use to a private dwelling and therefore set a precedent for future, similar back garden developments.**

Whilst It is not wished in any way to obstruct a good business opportunity that would further enhance the village, the concern is that the rear garden of a quiet area is not the appropriate location.

#### **LCC Highways:**

07/10/19 - Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

#### **Environmental Protection:**

15/10/19: As discussed provided we can condition opening times to those as agreed with the applicant (those being 9-5 and restrict opening to Mon-Sat only) and condition client numbers to one at a time, along with the further information supplied to clarify that the air conditioning unit is to be internal and floor mounted and that waste is to be suitably dealt with, then I have no further concerns.

10/10/19: A full noise assessment will need to be undertaken and submitted to and approved by LPA. This should be to BS 4142 (2014) standard and include all potential sources of noise associated to the business including fixed plant, client activity etc.

Waste: There is no indication as to how waste associated to the business will be disposed of. Waste created by the business must be disposed of separately to household waste and must be accounted for and disposed of correctly in line with current legislation.

**Archaeology:** None received

**Relevant Planning Policies:**

### **Development Plan**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the relevant parts of the Development are the Central Lincolnshire Local Plan (April 2017); and the Nettleham Neighbourhood Plan (March 2016).

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan – here, the Central Lincolnshire Local Plan.

### **Central Lincolnshire Local Plan**

LP1: A Presumption in Favour of Sustainable Development  
LP2: The spatial Strategy and Settlement Hierarchy  
LP13: Accessibility and Transport  
LP17: Landscape, Townscape and Views  
LP22: Green Wedges  
LP26: Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

### **Nettleham Neighbourhood Plan:**

Nettleham Neighbourhood Plan was made on 3<sup>rd</sup> March 2016. The following policies are considered relevant in the determination of this application.

Policy D-4 Water Resources and Flood Risk  
Policy – D-6 Design of new development

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/nettleham-neighbourhood-plan-made/>

### **National Guidance**

National Planning Policy Framework  
National Planning Practice Guidance

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Paragraph 213 of the NPPF states that *“existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

### **Main issues**

- Principle of development
- Impact on visual amenity including the Historic Environment
- Residential amenity
- Highway Safety
- Drainage

### **Assessment:**

#### **Principle**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Central Lincolnshire Local Plan 2012-2036 (adopted in April 2017) contains a suite of policies that provide a framework to deliver sustainable development. The proposed site being located in Nettleham village and proposing the erection of a building to be used as a Beauty Salon and having a sui generis use class would principally be assessed against Local Plan Policies LP1: A presumption in favour of sustainable development and LP2: The Spatial Strategy and Settlement Hierarchy.

LP1 indicates that at the heart of the strategy for Central Lincolnshire is a desire to deliver sustainable growth which brings benefits for all sectors of the community (existing and new).

LP2 states that the spatial strategy will focus on delivering sustainable growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates



places and communities and supports necessary improvements to facilities, services and infrastructure. Development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of previously developed land and enabling a larger number of people to access **jobs, services and facilities locally**. Decisions on investment in services and facilities, and on the location and scale of development will be assisted by a Central Lincolnshire Settlement Hierarchy.

Nettleham is designated as a large village within the Settlement Hierarchy and LP2 advises to maintain and enhance their role as large villages which **provide housing employment, retail and key services and facilities for the local area**, the following settlements **will be focus for accommodating appropriate level of growth. Most of this growth will be via sites allocated in this plan, or appropriate infill intensification or renewal within the existing developed footprint**. In exceptional circumstances additional growth on non-allocated sites in appropriate locations outside of but immediately adjacent to the developed footprint of these villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings/1 ha per site.

Policy LP6 sets out a tier of retail and town centres in Central Lincolnshire. The bottom tier 5 “Rural Settlements” sets out that the retail hierarchy within rural settlements follows the settlement hierarchy in LP2.

The policy says that “within the rural settlements... the scale of provision should be proportionate and strengthen their roles in providing mainly convenience shopping and local services to meet local needs”. The proposed use is however considered to be an unclassified or “sui generis” use – and would not readily fall within the NPPF’s “town centre use” definition. The proposals do not therefore generally fall within the parameters of this policy guidance.

Paragraph 81. Of the NPPF does however guide that planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances. In section 5.4 of Nettleham Neighbourhood it also makes reference to local businesses including beauticians working from home. The character of the proposal is recognised therefore as a feature of Nettleham.

The proposal in creating a small sui generis business and local service which is within the developed footprint of the village is consequently considered to be principally in accordance with LP2 of the Central Lincolnshire Local Plan, within the spirit of the Neighbourhood Plan and Paragraph 81 of the NPPF.

Nonetheless, the development proposes a purpose built cabin to operate a commercial business to visiting members of the public, within a residential area. Consideration therefore needs to be given as to the effect upon the

residential amenity and character, and as to whether the proposal would be a “neighbourly use”.

**Impact on Visual Amenity including the Historic Environment:**

The site is located within an existing residential area of Nettleham. Concerns have been raised in relation to the proposals and visual relationship with the Conservation area and Scheduled Ancient Monument. It is however noted that the Conservation Area is set over 70 metres away from the site and the SAM over 80 metres away. The proposals being set at this distance away, sited in a domestic garden area and of a size which will be read with the existing domestic context and screened by boundary treatments are not considered to cause harm to the setting of nearby heritage assets. No concerns have been raised from the Historic Environment Team in relation to the proposals and consequently Impact only relates to visual amenity and assessed through Policy LP26 of the Central Lincolnshire Local Plan and Policy D6 of the Neighbourhood Plan.

Policy LP26 relates to design and amenity and states: that development proposals should achieve to contribute positively to local character, landscape and townscape. All proposals should take into consideration the character and local distinctiveness of the area and create a sense of place.

Proposed development should respect the existing topography, landscape character and **relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot width, incorporate as far as possible natural features, and incorporate appropriate landscape treatments and well-designed boundary treatments to assimilate the development into the surrounding area. Development should protect important views into, out of and through the site and reflect or improve on the original architectural style of the local surroundings, using appropriate materials which reinforce or enhance local distinctiveness.**

In addition to this the Neighbourhood Plan D6 of the Neighbourhood plan relates to Design of new development and states:

New development, including infill development and residential extensions, should preserve and enhance the village of Nettleham by:

- a) **Recognising and reinforcing the district local character (as set out in the character assessment and the village design statement) in relation to height, scale, density, spacing, layout orientation, features and materials of buildings.**
- b) Designing housing proposals to reflect existing residential densities in the locality of the scheme.
- c) Respecting and protecting local heritage assets and their setting, including scheduled Ancient Monuments and Conservation Areas.
- d) Protecting natural assets, enhancing the natural environment and biodiversity.

**e) Incorporation adequate landscaping to mitigate the visual impact of the development and to ensure that proposals merge into the existing rural village context and respond to the wider countryside setting.**

f) Seeking to retain mature or important trees. Development that damages or results in the loss of ancient trees, or trees of good arboricultural and/or amenity value, will not normally be permitted unless justified by a professional tree survey and arboricultural statement. Where removal of trees of recognised importance can be justified, a replacement(s) of similar amenity value and maturity should be provided on site.

The character assessment and village design statement states that Greetwell Lane is one of the main routes into Nettleham is relatively straight and consists of grass verges, with open or hedge bounded fields leading to houses which are set back from the road. It identifies that poorly designed extensions which use inappropriate materials or are badly built can distort and seriously affect otherwise attractive streetscapes of the village. It continues to guide that the scale and proportion of buildings should complement and reflect surrounding dwellings and buildings. Extensions to properties should not alter the existing street scene in a detrimental or excessive way.

Concerns were raised by the Parish Council through the first consultation and reiterated by some residents in relation to the building and material finish being out of character with the area and contrary to the Neighbourhood plan.

In terms of the size, scale and design (including use of materials) of the proposed building it is noted that some amendments have been made to reduce the height of it.

It may be noted that a building similar in scale and appearance, could be erected for purposes incidental to the enjoyment of the dwellinghouse if set off the boundaries, with the Government's national grant of planning permission ("permitted development")

Its overall size is not therefore considered to be overly large or out of scale for a domestic building nor look out of place within this residential area. The building will not also be seen from the street scene.

In terms of being viewed from the paddock area to the rear, the proposals include the provision of a 1.8 metre close boarded fence running along the rear eastern boundary. This is a typical domestic scaled fence, and consequently a majority of the building will be screened from the paddock land to the rear and its presence considered acceptable in visual amenity terms.

It is also noted that the host dwelling and some of those within the immediate context have UPVC conservatories and windows. The application site also has an existing timber outbuilding which could be painted without the need for planning permission. As a consequence the finished material and colour of the proposed building cannot be considered to be at odds with the domestic character to which it will be viewed within and weight also needs to be

afforded to what could be erected in the site as a result of permitted development rights.

It is therefore concluded the proposals are relative to the character of the area and provide adequate boundary treatments to minimise views of it from the wider area. They are therefore considered to be in accordance with Policy LP26 of the Central Lincolnshire Local Plan and Policy D4 of the Neighbourhood Plan.

**Residential Amenity:**

Local Plan Policy LP26 also sets out criteria affecting amenity. It states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Concerns have been raised in relation to the provision of the building and its use by the neighbouring occupiers of No 21 the dwelling attached to No 23 and another resident. These concerns relate to noise and disturbance with the restricting of the business not a feasible option. Concerns have also been raised in terms of the presence of the building running along the boundary fence being dominating and the business offering opportunity for overlooking.

In terms of the size, scale and design of the proposed building it is not considered to go beyond what could be erected as a garden building incidental to the enjoyment of the dwelling house. In this regard it is again noted that a building of a similar scale and appearance, could be erected for purposes incidental to the enjoyment of the dwellinghouse, through the Government's national grant of planning permission ("permitted development").

It is therefore concluded that its size is not considered to be unacceptable within a domestic garden area. Its presence along the shared boundary of No 23 and 21 would also be substantially screened by the existing boundary treatment and a tree in this neighbouring property also provides further screening. The garden areas are also a length that the proposed outbuilding would only sit alongside part of the shared boundary and at the furthest away from the dwelling house. As a consequence the presence of the building would not be significantly harmful through dominance or loss of light/shadowing. This conclusion is also drawn for impacts on the neighbouring property to the south with a greater distance between them also offering separation in this instance.

However, when considering impacts from the use of the building in such an otherwise residential area and in the rear private garden space, concerns raised by residents in relation to impact upon residential amenity are somewhat shared by the Local Planning Authority.

The access to the proposed Salon will be down the side of the dwelling house which is within very close proximity to the neighbouring property 25 Greetwell Lane. There are windows within close proximity to the boundary, although

some are obscurely glazed. Some views into this neighbouring garden are available and loss of privacy somewhat of a concern. It is however noted that existing boundary treatments do offer some separation and screening. It is also noted that further boundary treatments/screening could also be put in place without the need for planning permission.

The presence of customers and associated noise from their comings and goings from the site are also a potential concern in this otherwise domestic context. The movement of cars may also be a factor in this regard. Another potential for nuisance would be the presence of the air conditioning units. The Environmental Health Officer has advised that internal units would be acceptable, further details to ensure their suitability and noise impact would need to be approved and therefore it is recommended details are secured by a condition.

Environmental Health have also not raised any significant concerns in relation to detrimental impacts on the neighbouring properties through the siting of the building within this residential garden area or its use as a beauty salon. Their conclusion in this regard is however based on restricting the opening hours, days and number of customers visiting in one day and at a time. The restrictions they propose are based on opening hours being 9-5 Monday - Saturday only with client numbers restricted to one at a time.

The accompanying statement sets out that the use as a beauty salon will be in operation during the hours of 9am to 5pm over 3 days a week (Monday to Saturday) with a maximum of 5 clients per day and one appointment at a time with one Therapist working on the premises. These working parameters therefore fit within the restrictions required by Environmental Health and therefore reasonable to use as controlling mechanisms to reduce the impact on neighbouring residential amenity.

With these restrictions in place it is recognised that a majority of the comings and goings would be within a timeframe when most residential areas are functional with occupiers and traffic movements and their associated presence and noise being a normal activity. This along with the controlling of the number of clients visiting per day and at one time would also minimise the impacts and goes some way towards ensuring that the development would not be used to a level significantly different to a domestic property.

It is therefore concluded that although there is potential for the business in this residential area to have impacts upon neighbouring properties, the scale and use of the salon would be unlikely to have any significant adverse impacts upon neighbouring amenities. With conditions in place it is on balance considered that these can be mitigated and the proposals can be considered to be in accordance with Policy LP26 of the Central Lincolnshire Local Plan in terms of neighbouring residential amenity.

Thought is however also given to the building as an independent business unit and the impact upon the host dwelling. Although this application is applied for by the occupiers of this dwelling and the relationship therefore acceptable.

The use of the outbuilding by someone not associated with the occupation of this residential property would not be an acceptable relationship and consequently a condition ensuring that the business is only operated by the occupiers of No 23 Greetwell Lane will also be a condition of any permission should it be granted. The building itself could also easily be used as incidental to the enjoyment of the dwelling house should the business cease and no concerns therefore raised to the relationship in this regard.

### **Highway Safety:**

Policy LP13 Accessibility and Transport seeks development to contribute towards an efficient **and safe transport network** that offers a range of transport choices for the movement of people and goods.

Numerous concerns have been raised by the residents and parish council to the proposals in relation to highway safety through the increase of traffic, safe access and egress from the site and adequate parking provision. It is however noted that the use of the proposed salon will be restricted to only one visiting customer at a time and a maximum of 5 per day over a 3 day period. On this basis no concerns or objections have been raised from the Local Highway Authority and consequently the development is considered to be in accordance with the provisions of LP13 and can be supported subject to conditions.

### **Drainage:**

LP14 relates to Managing Water Resources and Flood Risk and includes the provision of adequate drainage provision for the development. Criterion m indicates that adequate foul water treatment and disposal should be provided to serve the development and criteria n and o seeks to ensure that surface water is only discharged into a combined system in exceptional circumstances.

Neighbourhood Planning Policy D4 relevantly relates to Sewage and Drainage and states. Applications for new development (other than for minor extensions) will be required to demonstrate that:

- a) The development contributes positively to the water environment and to its ecology where possible and does not adversely affect surface and ground water quality; and
- b) Any development that has the potential to pose a risk to ground water resources is not located in a sensitive location; and
- c) **Appropriate sustainable urban drainage systems have been incorporated into the proposals unless they can be shown to be impractical;** and
- d) The design of the scheme incorporates appropriate measures that contribute to the conservation and enhancement of biodiversity and green corridors in the Plan area in general, and to the Nettleham beck in particular.

No drainage details have been provided with the application and consequently a condition securing adequate drainage provision for the development will therefore need to form part of an approval if permission is granted. With such

a condition in place the development can be considered to be in accordance with Policy LP14 of the CLLP and D4 of the Neighbourhood Plan.

### **Other matters**

The errors in the application that were noted by representations have been addressed through the submission of the design and assessment statement.

Concerns relating to the size of the building and future possible expansion are noted but the application has to be determined on its own merits and the use of conditions to limit the use of the beauty salon reasonably meets the 6 tests as set out in the NPPG. With such conditions in place the expansion of the business would require further planning approval where the merits of the proposals would be assessed in their own right.

### **Conclusion and Reason for Approval**

The proposals have been assessed against Policies LP1, LP2, LP13, LP14, LP17 and LP26 of the Central Lincolnshire Local Plan and Policies D4 and D6 of the Neighbourhood Plan; as well as all other material considerations including the National Planning Policy Framework, Practice Guidance and permitted development rights. In light of this assessment it is considered that the proposals subject to conditions is in an appropriate location and provides a service/facility of an appropriate scale in accordance with Policy LP2 of the Central Lincolnshire Local Plan and within the spirit of guidance within the Neighbourhood Plan and NPPF. The proposals subject to conditions are on balance also considered to be acceptable to visual and residential amenity considerations as well as highway safety and drainage requirements. They are therefore considered to be in accordance with the above named policies and grant of permission subject to the following conditions recommended.

### **Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

### **Conditions which apply or require matters to be agreed before the development commenced:**

None

### **Conditions which apply or are to be observed during the course of the development:**

2. The building hereby approved shall not be erected or located on site until details of foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The building shall not then be first brought into use until the approved drainage strategy and details have been fully implemented on site.

Reason: To ensure adequate drainage facilities are provided for the development in accordance with policy LP14 of the Central Lincolnshire Local Plan and Policy D6 of the Neighbourhood Plan and guidance within the NPPF.

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Site Plan including elevations and floor plan received on 13<sup>th</sup> November 2019 and Design and Access statement. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policies LP1, LP13, LP17 and LP26 of the Central Lincolnshire Local Plan and Policies D4 and D6 of the Neighbourhood Plan.

4. No external air-conditioning units or other plant shall be installed on the building or within the site until details have been submitted to and approved in writing by the Local Planning Authority. They shall then only be installed in accordance with the approved details.

Reason: In the interest of neighbouring amenity in accordance with LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

5. The 1.8 metre close boarded fence proposed along the rear eastern boundary of the site shall be erected prior to the erection or locating of the building on site and shall thereafter be retained in perpetuity for the lifetime of the development.

Reason: To minimise visual impact on the surrounding area in accordance with Policy LP26 of the Central Lincolnshire Local Plan and Policy D4 of the Neighbourhood Plan and guidance within the NPPF.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

6. The use as a beauty salon hereby permitted shall only operate during the hours of 9am to 5pm Monday to Saturday with no Sunday or Bank holiday opening.



Reason: To protect the amenities of adjoining properties and the locality in general in accordance with policy LP26 of the Central Lincolnshire Local Plan.

7. No more than 1 therapist shall operate and no more than 5 customers shall be treated on the premises in any one day, with no more than 1 customer being present on the site at any one time.

Reason: To avoid the unacceptable loss of amenity to nearby premises through the inappropriate scale of the business and impacts relating to noise and disturbance in accordance with policy LP26 of the Central Lincolnshire Local Plan.

8. The use of the beauty salon hereby approved shall only be operated by the Occupiers of No 23 Greetwell Lane Nettleham LN2 2PN and at all other times as incidental to the enjoyment as residents of it.

Reason: To ensure that the running of the beauty salon is tied to the occupiers of the host dwelling and does not become a separate business use in the interest of residential amenity and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

#### **Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

#### **Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

Prepared by :

*Joanne Sizer*

Date : 16/12/19

Authorising Officer

*R. Jackson*

Date: 16/12/2019

**Decision Level** (tick as appropriate)

Committee



Planning Committee

8 January 2020

**Subject: Determination of Planning Appeals**

Report by:

Executive Director of Resources

Contact Officer:

Ian Knowles  
Executive Director of Resources  
[ian.knowles@west-lindsey.gov.uk](mailto:ian.knowles@west-lindsey.gov.uk)  
01427 676682

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

**RECOMMENDATION(S): That the Appeal decisions be noted.**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial:** None arising from this report.

**Staffing:** None arising from this report.

**Equality and Diversity including Human Rights:** The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

**Risk Assessment:** None arising from this report.

**Climate Related Risks and Opportunities:** None arising from this report.

**Title and Location of any Background Papers used in the preparation of this report:**  
Are detailed in each individual item

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## **Appendix A - Summary**

- i) Appeal by Mr Philip Marris against the decision of West Lindsey District Council to refuse planning permission for outline application for up to 9 dwellings with all matters reserved on land to the East of Laughton Road, adjacent Irwin Road, Blyton, Gainsborough, DN21 3LS.

**Appeal Allowed** - See copy letter attached as Appendix Bi.

**Costs Allowed** - See copy letter attached as Appendix Bia.

**Officer Recommendation** – Grant permission

**Committee Decision** – Refuse permission

- ii) Appeal by Mr Paul Rea against the decision of West Lindsey District Council to refuse planning permission for the erection of a garage at 25a Willingham Road, Lea, Gainsborough, DN21 5EN

**Appeal Dismissed** – See copy letter attached as Appendix Bii.

**Officer Decision** – Refuse permission

- iii) Appeal by Mr I. S. Manser against the decision of West Lindsey District Council to refuse planning permission for erection of a single storey dwelling with associated parking at Salisbury, Main Street, Grasby, Barnetby, DN38 6AH

**Appeal Dismissed** – See copy letter attached as Appendix Biii

**Officer Decision** – Refuse permission



## Appeal Decision

Site visit made on 6 November 2019

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 December 2019**

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**Appeal Ref: APP/N2535/W/19/3235466**

**Land to the east of Laughton Road, adjacent to Irwin Road, Blyton, Gainsborough, Lincolnshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Philip Marris against the decision of West Lindsey District Council.
  - The application Ref 138971, dated 30 January 2019, was refused by notice dated 9 April 2019.
  - The development proposed is described as: 'Outline application for up to 9 dwellings with all matters reserved'.
- 

### Decision

1. The appeal is allowed, and outline planning permission is granted for the erection of up to 9 dwellings with all matters reserved at Land to the east of Laughton Road, adjacent to Irwin Road, Blyton, Gainsborough, Lincolnshire in accordance with the terms of application Ref 138971, dated 30 January 2019, and subject to the conditions set out in the schedule attached to this Decision.

### Procedural Matters

2. For clarity, I have taken the name of the appellant from the appeal form as it is more precise. I have also inserted 'Lincolnshire' in to the address in the banner heading as it is listed on the appeal form.
3. Outline planning permission is sought, with all detailed matters reserved for future consideration. Plans showing possible layout and access have been submitted. However, given that layout, scale, appearance, landscaping and access are reserved matters, I have treated the plans solely as an indication of how the site might be developed. I have determined the appeal on this basis.
4. Policy LP1 of the Central Lincolnshire Local Plan 2017 (LP) has not been cited on the Council's decision notice. However, the Council have supplied a copy of LP Policy LP1 with their Questionnaire. I will therefore not prejudice any party in taking this policy into consideration in the determination of this appeal.

### Application for Costs

5. An application for costs was made by Mr Philip Marris against West Lindsey District Council. This application is the subject of a separate Decision.

## Main Issues

6. The main issues of this appeal are:
- whether the proposed development is consistent with the objectives of policies relating to housing in rural areas, including the effect on the character and appearance of the area; and,
  - whether the proposed development would be in an appropriate location with respect to matters of flood risk.

## Reasons

### *Character and appearance*

7. The appeal site comprises an almost, rectangular plot of land, adjacent to a modern residential development on Irwin Road. The site would front onto Irwin Road, where access would be taken and would abut the existing residential development to the south. The site comprises a Grade 3 agricultural field that is located entirely within Flood Zone one.
8. LP Policy LP1 repeats the presumption in favour of sustainable development from the National Planning Policy Framework (the Framework). LP Policy LP2 provides for a spatial strategy and settlement hierarchy which categorises Blyton as a 'Medium Village' which can accommodate a limited amount of development in 'appropriate locations'. It is common ground between the main parties that Blyton is a sustainable village for potential new development.
9. An appropriate location is defined within LP Policy LP2 as 'a location which does not conflict, when taken as a whole, with national policy or policies in the Local Plan'. In addition, to qualify as an 'appropriate location', the site, if developed, would: i. Retain the core shape and form of the settlement; ii. Not significantly harm the settlement's character and appearance; and, iii. not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement. The term 'appropriate location' is used throughout LP Policies LP2 and LP4.
10. LP Policy LP4 states that in each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows: i. Brownfield land or infill sites, in appropriate locations, within the developed footprint of the settlement; ii. Brownfield sites at the edge of a settlement, in appropriate locations; and, iii. Greenfield sites at the edge of a settlement, in appropriate locations. Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list. This applies to the appeal site as it comprises a greenfield site in the third category, located in a 'Medium Village'. However, the Council do not dispute the appellant's findings regarding the sequential test in the Officer Report or its Statement of Case. On the evidence before me on this matter, I have little reason to disagree with the main parties on this issue.
11. Additionally, LP Policy LP4 highlights that settlements such as Blyton in the settlement hierarchy will be permitted to grow by 10% in the number of dwellings over the plan period, which is identified as a figure of 56 dwellings by the Council. The Council identify that the remaining growth in Blyton is 18no. dwellings in its submission taken from data, dated 7 October 2019. This figure has decreased by one dwelling since the publication of the Officer Report,

which stipulated a figure of 19 dwellings taken from data, dated 28 February 2019. On this basis the development as proposed would not require a demonstration of local community support. Furthermore, I note concern from the Council and interested parties that the proposed development would result in a notable proportion of the remaining growth in dwellings specified in the LP being taken up. However, on the evidence before me, I do not find this to be a sufficient reason to withhold planning permission.

12. The appellant has provided details of approved applications<sup>1</sup> in the Council area. However, relatively little detail has been provided regarding the particular planning backgrounds to these schemes. Consequently, I cannot be sure that these applications are entirely representative of the circumstances in the appeal before me. In any event all appeals are judged on their own individual merits. Accordingly, that is how I have assessed this appeal scheme.
13. I note that the proposal is located on the edge of the village in open countryside. However, I find that the site and the proposed development would be adjacent to the built-up area of the settlement and the site would positively relate to the adjacent built-up area. I find that the site would be effectively located within the limits of the existing development as it would not extend beyond the northern and eastern edges of the existing built environment. This would ensure that the proposed development would retain the core shape and form of the settlement, thus preventing unacceptable visual encroachment into the countryside.
14. I consider, that the resultant effect of the proposed development would therefore retain the core shape and form of the settlement, not significantly harming the character and appearance of the settlement or the surrounding countryside, and the rural setting of the settlement. I also note the topography of the site that generally increases in a direction away from the existing dwellings on Irwin Road, but find this not to be so severe that the proposed development would create a visually awkward feature in the surrounding area. In this instance, I consider the proposal would accord with the criteria in the LP for development proposals on sites of up to 9 dwellings in 'Medium Villages'.
15. For the above reasons, I find the proposed development is consistent with the objectives of policies relating to housing in rural areas, including the effect on the character and appearance of the area. Therefore, the proposed development would accord with the character, appearance and strategic housing aims LP Policies LP1, LP2, LP4 and the Framework.

#### *Flood risk*

16. It is not disputed by the main parties that the site is situated within Flood Zone 1<sup>2</sup> and is at a low risk of fluvial flooding, with a less than 0.1% annual chance of flooding from rivers or the sea. The proposed development is classed as Highly Vulnerable<sup>3</sup>. However, given its location in an area with a low probability of flooding from rivers or the sea, the appeal proposal would be appropriate development<sup>4</sup> and neither the Sequential test or the Exception test apply.

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<sup>1</sup> PA 132782 – Laughton Road, Blyton; PA 132781 – East Lane, Corringham; PA 135056 – Eastgate, Scotton; PA 134618 – Moortown Road, Nettleton

<sup>2</sup> Planning Practice Guidance (PPG) - Paragraph: 065 Reference ID: 7-065-20140306 Revision date: 06 03 2014

<sup>3</sup> PPG - Paragraph: 066 Reference ID: 7-066-20140306 Revision date: 06 03 2014

<sup>4</sup> PPG - Paragraph: 067 Reference ID: 7-067-20140306 Revision date: 06 03 2014



17. The Framework<sup>5</sup> directs that in determining planning applications, Council's should ensure that flood risk is not increased elsewhere. Site-specific Flood Risk Assessments are required for certain developments within Flood Zone 1, including on sites 1.0 hectares or more in size, or on land which may be subject to other sources of flooding, where its development would introduce a more vulnerable use. A small section of the site is identified as having surface water drainage problems, which affects the south-east area of the site where Plot 6 is indicatively located. The appellant has supplied drainage details<sup>6</sup> (the drainage scheme) including a foul and surface water drainage strategy, prepared by Civil and Structural Engineers that include infiltration tests.
18. There is some suggestion to the validity of the drainage scheme, but I do not find that the filtration test is less relevant given that it was undertaken on 25 July 2018, although I do acknowledge that this was during a summer month. Additionally, the locations of the trial pits have been questioned. However, given that the drainage scheme appears to have been produced by a suitably qualified authority and in the absence of an equivalent report on the part of the Council or any other party, I have given it significant weight. In the absence of substantiated evidence to the contrary, I have found no good reason to conclude that the drainage scheme is unreliable in this or any other significant respect.
19. The Shire Group of Internal Drainage Board's (IDBs) does not object to the proposal, subject to conditions. Although, I do note that advice is given that ground conditions in this area may not be suitable for soakaway drainage. However, the Lead Local Flood Authority (LLFA), which amongst other things is responsible for the management of surface water flood risk, were also consulted on the proposed development and did not object to it, subject to conditions. Additionally, I note that Severn Trent Water Ltd (STW) have raised no objection to the scheme.
20. There has been a considerable number of representations, including photographic evidence that has been received from interested parties as a result of the proposed development. This includes details of recent flooding events in Blyton on 26 October 2019, and on 8 and 9 November 2019. It is obvious that existing residents have experienced incidents of flooding, including those residing on the adjacent residential estate on Irwin Road. However, these are existing situations, which in the case of properties on Irwin Road have been attributed by some residents and the Council to misgivings in the construction of the development. Nevertheless, I have sympathy for existing residents in this regard.
21. However, on the details before me, no substantive evidence has been provided that causes me to question the consultation responses of the IDBs, LLFA or STW, with regard to flood risk at and from the appeal site. I find this to be a material consideration of significant weight in the determination of this appeal. Additionally, given that such matters as layout is yet to be determined, I am satisfied that a surface water drainage scheme for the site, based on sustainable urban drainage principles could be secured through the imposition of a suitably worded condition. This would ensure that future residents of the development and existing neighbouring residents and land would not be adversely affected by flooding.

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<sup>5</sup> Paragraph 163, including Footnote 50

<sup>6</sup> g<sup>2</sup> Structural, Civil Engineering Consultants dated 19 January 2019.

22. For the above reasons, the proposed development would be in an appropriate location with respect to matters of flood risk and would not result in an unacceptable risk of flooding. The proposal would comply with the flood risk and drainage aims of LP Policy LP14 and the Framework.

### **Other Matters**

23. The outline status of the current appeal proposal means that the required assessment of the effect of a proposal on the character and appearance and flood risk is more limited. Nevertheless, I find the submitted indicative drawings and the drainage scheme demonstrates the level of development that the appellant would provide and that a suitable drainage scheme could be incorporated within it. Additionally, as layout is a matter for future consideration, I am satisfied that a successful scheme of up to 9 dwellings could be produced through a reserved matters submission, which would avoid harm to the above matters through the redevelopment of this site as proposed.
24. A notable number of representations from local residents, a local Member and Blyton Parish Council have also expressed a range of concerns on the application including, but not limited to the following: highway safety, access; living conditions, ecology, school places, medical facilities, internet connections, provision of shops, services and play areas, unsold properties, disturbance during construction, amongst other things. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand these concerns, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.
25. Additionally, I have had regard to the concerns of neighbouring occupiers, regarding the unadopted status of Irwin Road. However, it is not a matter for my consideration in this appeal, and any ownership issues are a private matter between the relevant parties and not within my jurisdiction. In any event, I note that the Local Highway Authority have not raised any objections to the principle of the proposed development. Furthermore, issues surrounding potential damage to existing properties and their values cannot be considered as a planning consideration in the determination of this appeal.
26. There is no neighbourhood plan (NP) in force that could promote the proposed development. Although, the Council states that the proposed development could jeopardise the production of a NP, there is little evidence to support this assertion. I find that the proposed development in this instance should be determined in accordance with the development plan, and there are no material considerations that indicate otherwise.
27. The appeal site is said to be Grade 3 agricultural land, which would be lost through the proposed development. However, no substantive evidence has been provided to demonstrate that the loss of this field would significantly harm the agricultural function of the area. Furthermore, whilst Government guidance includes Grade 3a land as amongst the best and most versatile agricultural land, there is no evidence that the appeal site comprises Grade 3a land.
28. I have also had regard to concerns raised by the appellant about the way that the Council handled the application, but this does not affect the planning merits

of the case. I have considered this appeal proposal on its own merits and concluded that it would not cause harm for the reasons set out above.

### **Conditions**

29. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 55 of the Framework and the Planning Practice Guidance. Conditions regarding reserved matters and time limits are required by statute.
30. In addition to conditions relating to the time limit for implementation, for reasons of certainty a condition requiring the development to be undertaken in accordance with approved plans is necessary. Conditions concerning foul and surface water drainage and a surface water drainage scheme would be necessary to protect the living conditions of future and existing nearby occupiers and land. A Condition relating to ecology is necessary in the interest of the natural environment.
31. Conditions concerning a Construction Method Statement would be necessary to protect the health and safety of construction workers, the living conditions of existing nearby occupiers and in the interests of highway safety. Conditions relating to the carriageway, access and footpath are necessary in the interests of highway and pedestrian safety.
32. A condition is necessary to provide higher accessible homes to provide solutions that contribute to meeting the housing needs of the housing market area and support the creation of mixed, balanced and inclusive communities.

### **Planning Balance and Conclusion**

33. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise.
34. The provision of what is likely to be family homes would generate additional social benefits. In addition, there would be economic benefits for the locality, both during construction and occupation of the dwellings. I do not find on the evidence before me that a development up to 9 no. dwellings as proposed would harm the strategic housing aims of the development plan, the character and appearance of the settlement and surrounding area or would be located in an inappropriate location regarding flood risk.
35. The proposal would comply with the development plan when taken as a whole, and there are no other considerations which outweigh this finding. It would also accord with the requirements of the Framework.
36. For the above reasons, I conclude that the appeal should succeed.

*W Johnson*

INSPECTOR

## **Schedule of Conditions**

- 1) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 2) No development shall take place until, plans and particulars of the layout, scale and appearance of the buildings to be erected, the means of access to the site and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details. The scale reserved matter application(s) shall include a schedule of the type and mix of dwellings to be agreed as part of the application.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Development shall proceed in accordance with the following drawing numbers: Site Location Plan 1:2500; Proposed Site Layout 183-102-04 and Drainage Layout 15212 SE 001 4.
- 5) No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
  - a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
  - b) Provide attenuation details and discharge rates which shall be restricted to greenfield run-off rates;
  - c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and,
  - d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime. The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full accordance with the approved details.
- 6) Foul and surface water shall be drained on separate systems.
- 7) No development shall take place until an ecological mitigation and enhancement strategy in accordance with the advice set out in paragraphs 5.4, 5.6 and 5.7 of the submitted extended phase 1 habitat survey has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

8) No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) storage of plant and materials used in constructing the development;
- (ii) the erection and maintenance of security hoarding;
- (iii) wheel cleaning facilities;
- (iv) measures to control the emission of dust and dirt during construction;
- (v) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (vi) Measures for tree and hedgerow protection.

9) No dwelling shall be commenced before the first 40 metres of estate road from its junction with Irwin Road has been completed.

10) Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of Irwin Road, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

11) Before each dwelling is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from Irwin Road, shall be constructed to a specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

12) No less than 30% of the total number of dwellings shall meet part M4(2) of the Building Regulations.

End of Schedule



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## Costs Decision

Site visit made on 6 November 2019

**by W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 December 2019**

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### **Costs application in relation to Appeal Ref: APP/N2535/W/19/3235466 Land to the east of Laughton Road, adjacent to Irwin Road, Blyton, Gainsborough, Lincolnshire**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Philip Marris for a full award of costs against West Lindsey District Council.
  - The appeal was against the refusal of planning permission for an outline application for up to 9 dwellings with all matters reserved.
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### **Decision**

1. The application is allowed in the terms set out below.

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples include: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failures to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant submits that the Council has acted unreasonably as they failed to produce evidence to substantiate its reason for refusal, particularly with regard to drainage; the Council's case contains vague, generalised and inaccurate assertions about the proposals impact, which are unsupported by any objective analysis; the refusal of planning permission on drainage could have been dealt with through the imposition of a condition; the Council have not determined the appeal application in a consistent manner; and, there was a failure to have regard to professional advice from Officers and Statutory Consultees.
5. I have noted the recommendation of the Council's Officer and that the applicant does acknowledge that Council Members, in making their decision, do not have to accept the recommendation of the Officer. I find that in this instance, the Officer recommendation was to grant permission for this development, and it is not unreasonable for a Committee to reach a different view. However, if a different decision is reached, the Council must clearly

demonstrate on planning grounds why the proposal is unacceptable and provide clear evidence to substantiate that reasoning. In this case, the Council exercised its planning judgement based on local knowledge and the significant amount of representations from local residents and other interested parties.

6. With regards to drainage and flood risk, I believe that clear evidence was not provided by the Council to substantiate its reason for refusal, contrary to the advice provided by Officers and Statutory Consultees. However, with regard to the location of housing and character and appearance, I find this to be more subjective, where the Council Members made a case for the contrary view. On this basis, the applicant would have still had to appeal in any event.
7. It will be seen from my Decision that I do not agree with the Council's refusal. However, I am not satisfied that the Council adequately substantiated the aspects of its reason for refusal regarding drainage and flood risk, especially in light of the professional advice received. It appears that having regard to the provisions of the development plan, national planning policy and other material considerations, the inclusion of matters of drainage and flood risk therefore constitutes unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the PPG.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has been demonstrated. A partial award based on the costs incurred by the applicant in responding to the elements of the refusal reason relating to drainage and flood risk would therefore be justified.

### **Costs Order**

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that West Lindsay District Council shall pay to Mr Philip Marris the costs of the appeal proceedings described in the heading of this decision. These costs shall be limited to those incurred in the preparation and submission of the applicant's case responding to aspects of drainage and flood risk as part of the refusal reason on the Council's Decision Notice.
10. The applicant is now invited to submit to West Lindsay District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

*W Johnson*

INSPECTOR



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## Appeal Decision

Site visit made on 3 December 2019

by **Chris Baxter BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

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**Appeal Ref: APP/N2535/W/19/3237443**

**25A Willingham Road, Lea, Gainsborough DN21 5EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul Rea against the decision of West Lindsey District Council.
  - The application Ref 139732, dated 12 July 2019, was refused by notice dated 29 August 2019.
  - The development proposed is described as "erection of a garage."
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

### Reasons

3. The area in which the appeal site lies is characterised predominantly by residential properties of traditional architectural detailing. The properties in the immediate area are set back from the main road and have front gardens which are mostly free from any built structures. It is this layout form which positively contributes to the character of the surrounding area.
4. The proposal would introduce a flat roof garage into the front garden which would be out of keeping with the built form of the immediate area. The proposal would have a narrow frontal aspect, would not cut across the existing property and would have materials to match the existing property. However, due to its position set forward of the existing front building line of the property, it would be an incongruous feature that would appear intrusive within the surrounding area.
5. The front garden of the appeal site is enclosed by existing boundary fencing, trees and shrubbery, including a Weeping Silver Birch tree. These features would not screen the proposal which would be a prominent structure that would not respect the context of the surrounding area given its size, design and location.
6. I have had regard to the appellants statement of case including the photographic evidence and examples of other developments<sup>1</sup>. These other

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<sup>1</sup> Developments at 11a, 12, 31 Willingham Road; 228 Lea Road; 31, 33, 35 Marlow Road; 2 Woodland Avenue; 27a, 59, 67, 69 Gainsborough Road; 16 Rectory Lane; 17 Willow Close; 5 Laburnam Avenue; 5 to 9 Lansdall Avenue; 1 Eastern Avenue; 1 Lissington Road



developments are not within close proximity to the appeal site and do not contribute to the character of the area immediately surrounding the appeal site. These other developments do not represent a direct parallel to the appeal proposal, including in respect of location and relationship with existing built layout.

7. For the reasons given above, I find that the proposal would have a harmful effect on the character and appearance of the surrounding area. The proposal would fail to comply with Policies LP17 and LP26 of the Central Lincolnshire Local Plan 2017 and Policy 4 of the Lea Neighbourhood Development Plan which seeks proposals to take into account the character and local distinctiveness of the area.
8. The proposed development is a revised scheme from a previously refused application and is required by the appellant for storage. The proposal would be mainly screened from neighbouring properties and would not compromise the living conditions of neighbouring occupiers. The proposal would retain adequate amounts of garden space and would not adversely affect existing natural or historic features. I also note that the appeal site has minimal garden areas to the rear and side of the existing property. These matters however, do not outweigh the harm I have identified to the character and appearance of the area.

### **Conclusion**

9. I conclude that for the reasons given above, the appeal should be dismissed.

*Chris Baxter*

INSPECTOR



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## Appeal Decision

Site visit made on 3 December 2019

by **Chris Baxter BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

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**Appeal Ref: APP/N2535/W/19/3237412**

**Salisbury, Main Street, Grasby, Barnetby DN38 6AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr I. S. Manser against the decision of West Lindsey District Council.
  - The application Ref 139312, dated 10 April 2019, was refused by notice dated 6 June 2019.
  - The development proposed is described as "erection of a single storey dwelling with associated parking."
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposals on (i) highway safety with regards to parking area; and (ii) the living conditions of the occupiers of neighbouring properties Rhodesia and The Old Chapel with regards to outlook, light and privacy.

### Reasons

#### *Highway safety*

3. The submitted plans show that the proposal would include a parking area to accommodate two vehicles. This parking area is accessed via the existing driveway which leads to the neighbouring property Rhodesia.
4. The Council indicate that there are insufficient turning facilities which would result in vehicles unable to exit the site in a forward motion. The existing driveway leading to Rhodesia is narrow and given the size and positioning of the proposed parking area, it would be difficult to manoeuvre a vehicle to allow it to exit the site onto the adopted highway in a forward motion.
5. The proposed parking area would not be of sufficient size to provide enough space for manoeuvring. I find it likely that occupants of the proposed property would be tempted to exit in a backward motion, possibly onto the adopted highway which would have a detrimental effect on the safety of highway users.
6. The proposal would therefore have a harmful effect on highway safety due to insufficient parking area. The proposal would be contrary to policy LP13 of the Central Lincolnshire Local Plan 2017 which seeks development proposals to contribute towards a safe transport network.

*Living conditions*

7. The windows and doors in the neighbouring properties of Rhodesia and The Old Chapel would not be within close proximity to the proposed property. The proposed bungalow would be of a modest scale and would be located at a level higher than the buildings of Rhodesia and The Old Chapel. Given the scale of the proposed bungalow and the distance from the window and doors of Rhodesia and The Old Chapel, there would be no adverse overbearing effects created that would compromise the outlook of the occupiers of the neighbouring properties.
8. Due to the scale and siting of the proposed development and the orientation of the existing buildings, the proposal would not be bulky and would not create any overshadowing or loss of light that would have detrimental effects on the living conditions of the occupiers of Rhodesia and The Old Chapel.
9. There are to be no windows in the south east elevation of the bungalow with the windows in the south west elevation being a mix of high level and obscurely glazed. The proposed bungalow would therefore not result in direct overlooking into the properties and gardens of Rhodesia and The Old Chapel and privacy levels would not be adversely compromised.
10. I have had regard to the Council's Officer Report and the previous planning application Ref: 136109 which was refused and dismissed at an appeal. However, I do not have full details of this previous application nor full copies of the decisions and so cannot be sure that this scheme represents a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits.
11. The proposed development would not have a harmful effect on the living conditions of the occupiers of Rhodesia and The Old Chapel with regards to outlook, light and privacy. The proposal would be in accordance with Policies LP2 and LP26 of the Central Lincolnshire Local Plan 2017 which seeks proposals to have considered compatibility with neighbouring land uses, overlooking, overshadowing and loss of light.
12. Whilst I have found that the proposal would not have a detrimental effect on the living conditions of the occupiers of neighbouring properties, this would not outweigh the harm I have identified with regards to highway safety.

*Other matters*

13. Concerns have been raised from local residents and the Parish Council including land ownership, trees, refuse storage, housing density, effects on heritage assets and listed buildings, stability of land, and health and safety issues. I have given careful consideration to these matters however, they do not lead me to a different overall conclusion on the main issues.

**Conclusion**

14. I conclude that for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

*Chris Baxter*

INSPECTOR